

UNIVERSITY OF FORT HARE
NELSON R. MANDELA SCHOOL OF LAW
East London

CRIMINAL LAW

LCL 213

SUPPLEMENTARY EXAMINATION

JUNE/JULY 2023

TOTAL: 100

TIME: 3 HOURS

Internal Examiner: S.J Stal

Internal Moderator: Dr T Shumba

INSTRUCTIONS

- 1. Answer ALL questions.**
- 2. Refer to case law and other authorities where applicable.**
- 3. Write legibly.**

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QUESTION 1 [25 Marks]

James has been watching a lot of crime stories on television and has seen a number of episodes about the 'standing-your-ground law' in Florida, USA, which extends the defence of property by the owner. His business premises has been burgled repeatedly, and he decides to install a shotgun with a wire linked to the trigger in his shop. David and Jonathan are juveniles and drug addicts, looking to get money for drugs, and they break into the shop. David triggers the shot gun and is wounded, but Jonathan is hit in the femoral artery and bleeds to death in the shop. The injured David runs into the street to get help and is hit by a car, driven by Dr Amelia. David is unconscious and seriously

injured from the gun shot and the additional injuries caused by the car. She rushes him to the nearby private hospital where she works. David is saved by the emergency blood transfusion, but his parents are outraged because their religion forbids the use of blood products, and they proceed with criminal charges against the doctor. Things get worse when there are complications after the operation and David dies from septicaemia. James and Amelia are arrested by Constable Mack and are released on bail. Ironically, Mack and James play for opposing teams in the local soccer league, and at the next match James is dribbling the ball when he is dangerously fouled by Mack, trips and breaks his leg. Still angry about being arrested by Mack, James returns the favour by laying a charge against the policeman.

Identify the crimes that have been committed here and assess the possible defences available to the various accused.

QUESTION 2 [25 Marks]

Rump is arrested on a charge of assault on Steak. You are the prosecutor in the case and while working through the case docket you came across a statement made by Rump wherein, he stated that he may have assaulted Steak, but could not remember. He states further that he can't remember anything about the incident because he was too drunk. Will you continue with the charge against Rump? Explain in full, with reference to relevant legislation.

QUESTION 3 [25 Marks]

Read the following set of facts: Professor Wicket decides to shoot and kill his colleague, Professor Wang, one evening in his office. He knows that Professor Wang always works late in the evenings after all the other colleagues have left and their faculty building is empty. That particular day is no exception. Professor Wicket sneaks into the faculty building with his briefcase in his hand. Inside his briefcase is his 9mm pistol. Once he is inside his office, he takes out his pistol. Professor Wicket is standing with his back to his office door while he takes the pistol out of his briefcase. His office door suddenly opens and his colleague (Professor Zinn) comes in. Professor Wicket gets such a fright that he swings around with the pistol in his hand. When Professor Zinn sees the pistol, she asks

him whether he was going to do what she thought he was going to do. Professor Wicket simply says "Yes", after which she says with a smile: "It's about time! I'll keep watch and get something to wrap his body in in the meantime". They then nodded their heads to each other and with that Professor Wicket walked down the hallway to Professor Wang's office. The office door is closed. He knocks, enters the office and shoots Professor Wang. Against this background, answer the questions that follow.

Unless expressly stated otherwise, accept that the facts are as they are given here. You are a state prosecutor. Would you charge Professor Zinn as a co-perpetrator, or as an accomplice or as an accessory after the fact to the murder on Professor Wang? Provide a complete justification for your decision in which you evaluate the relevant facts against the applicable legal principles.

QUESTION 4 [25 Marks]

One of the requirements for succeeding with a plea of private defence is that there must be a reasonable relationship between the attack and the defensive act.

Discuss this requirement with reference to relevant case law.

END
