

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

CRIMINAL LAW B
LCL 221E

DEGREE EXAMINATIONS
NOVEMBER 2019

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Time: 3 hours

Subject: CRIMINAL LAW B

Marks: 100

This paper consists of 3 pages including the cover page

Internal Examiners

Dr. C.S. Namakula

Mr. A. Katurura

External Examiners

Dr. T. Shumba

INSTRUCTIONS

1. Answer ALL (4) questions.
2. Do not separate subsections of questions.
3. Pay careful attention to marks allocated.
4. WRITE LEGIBLY.

QUESTION 1

The University of Fort Hare (UFH) Senate has recently approved Gender Based Violence Policy and you have been requested to train the UFH community on Rape in terms of Sexual Offences Act with regard to the elements of consent and sexual penetration. Discuss the two in detail with reference to relevant case law and examples.

(25 Marks)

QUESTION 2

President Ramaphosa has been found to contravene *Executive Ethics Code* by the Public Protector (*Report No 13 of 2019/20*) for accepting a donation from African Global Operations (*Formerly known as BOSASA*) through his lawyers' trust account, his Ramaphosa Foundation account and his CR17 account and the latter account was for the purpose of presidential campaign.

He approaches you as his legal practitioner, to establish if he has committed a crime of corruption. Advise him accordingly and make reference to relevant case law.

(25 Marks)

QUESTION 3

Zhandi has been arrested based on the narrative given by Diva at the police station. Zhandi is said to have entered the apartment of Diva at 1pm in the afternoon and reached out for a bunch of bank notes that were on the dining table and fled. The lock of the door was broken, which enabled easy access. When the bank notes were examined, they were found to be fake. Diva was using them as training material for her children. Zhandi is also saying that he wished to throw them away because he realised that they had no value. As a legal adviser to the police, examine the elements of the crime(s) that Zhandi can possibly be prosecuted for and qualify them based on the facts.

(25 Marks)

QUESTION 4

Mr Tom is charged with corruption. As a court officer, he asked for a bribe from a person facing trial after being found in possession with narcotic drugs (Mr. H). Mr. H furnished the court with a piece of paper on which Mr. Tom wrote his request: "40,000 only to extinguish the file". While in the dock, the piece of writing was presented to Mr. Tom for confirmation. He quickly stuffed it into his mouth, and swallowed it.

Mr. Tom got agitated after then, he insulted the judge as a good for nothing idler, who only implicates others that are trying. This turned the court room into chaos. Mr. Tom had earlier caused a scene at his house. He had refused to come to court and locked himself in the toilet. Attempts to get him to open the door peacefully were unsuccessful. The door was broken but he could only appear in court three hours latter than the scheduled time. Examine this case and back your opinions up with authorities.

(25 Marks)

END