

7/12/09

University of the Witwatersrand, Johannesburg

Course or topic No(s)

LAWS2001

Course topic names(s)
Paper Number & title

CRIMINAL LAW

Examination / Test* to be
held during month(s) of (*delete
as applicable)DEFERRED
JANUARY 2010Year of study
(Art & Science leave blank)Degrees / Diplomas for which
this course is prescribed
(BSc (Eng) should indicate which branch)

LLB

Faculty/ies presenting candidates

COMMERCE, LAW AND
MANAGEMENTInternal examiner(s)
and telephone extension
number(s)

PROF T MOSIKATSANA	(78475)
MS A STAROSTA	(78532)
MR P WAYBURNE	

External examiner(s)

PROF J C W VAN ROOYEN

Special materials required (graph/music/drawing
paper maps, diagrams, tables, computer cards, etc)

COURSE OUTLINE ATTACHED

Time allowance

Course no: LAWS2001 Hours: 2

Instructions to candidates
Examiners may wish to use this space to indicate,
inter alia,
the contribution made by this
examination or test towards the year mark, if
appropriate

1. Write the name of your lecturer on your script.
2. Answer ALL questions.

**Internal Examiners or Heads of
Departments are requested to sign
the declaration overleaf**

QUESTION 1

Summer is part of a pagan sect that makes human sacrifices among its members. To be sacrificed to the gods is seen as the highest honour that can be bestowed on an individual and the sect members submit to this voluntarily.

Summer is pregnant and engaged to Andy. Andy is an atheist and does not subscribe to any religion or superstition. Summer has told Andy about her sect, but Andy has always laughed it off, thinking that this was a historical account of her sect's beliefs and that the sacrificial practices she speaks of are all folklore.

In celebration of the wedding, the leaders of the sect pick Maya and Falcon to be sacrificed. Maya is deeply religious and feels honoured to be chosen as a sacrifice. Falcon is a 17 year old boy, who has secretly been plotting an escape from the sect. He does not subscribe to their beliefs and thinks that they are all mad.

At the wedding, the sect toasts Andy's addition to the sect, he is handed a butcher's knife and Maya and Falcon are brought out on alters ready to be sacrificed. Andy is frightened and panic-stricken, he honestly did not believe that such customs could possibly still be practiced and resists the ritual by attempting to run away. The elders hold him down and inform him that if he is not willing to perform the ritual, then he and his unborn child will have to be sacrificed.

Driven by his instinct for survival and his love for Summer, Andy performs the ritual and kills Maya. Andy knows that Falcon does not subscribe to the sect's beliefs. As he approaches Falcon, he starts to whisper an escape plan to him but Falcon thinks that Andy is reciting the "last rites". In a panic, Falcon manages to break free from his restraints and attacks Andy. In a fit of rage he beats Andy with the sharp stone that he used to free himself from his restraints and causes Andy grievous bodily harm. By that stage, Summer has called the Police and they arrive on the scene. Andy and Falcon are both arrested.

Answer the following questions:

- (a) Consider Andy's liability for the death of Maya. In particular, what defences might he raise?

- (b) Consider Falcon's criminal liability for his assault on Andy. What defences might he raise?

[20marks]

QUESTION 2

Five persons are tried and convicted on charges of murder. Each accused is sentenced to life imprisonment. All the accused appeal against their convictions.

The following facts are found to have been proved:

There is unrest at a factory and a group of over 100 workers are part of a crowd who attack and kill the manager. The cause of death is a stab wound to the chest. It is proved that Accused No.1 stabbed the manager with a knife in the chest. Accused No. 2 is part of the crowd who cornered the manager outside the factory. It is proved that he urged the crowd to 'kill him, kill the oppressor'. Accused No. 3 kicks the deceased on the head several times before the stab wound is inflicted. Accused No. 4 holds back members of a security company who try to go to the assistance of the deceased. Accused No. 5 arrives on the scene after the stab wound is inflicted and starts to kick and hit the deceased. Accused No. 5 had not been part of the original group of employees.

You are the judge of appeal. Setting out the law on these issues, give judgment as to the correctness or otherwise of the convictions in respect of each accused.

[20 marks]

QUESTION 3

Mrs Johnson is employed as an accountant at Sleep Tight Hotel. She receives her salary on the 15th of every month. On 4 October, her daughter Beauty who is a student at Thuto High School, sends her an email asking her mother to send her a beautiful outfit for the matric dance which is to be held on 13 October.

On 11 October, Mrs Johnson realizes that her daughter's matric dance is few days away. Unfortunately she does not have enough money left over from her last month's salary as it is fairly close to her next pay day. She takes R2, 000 rands out of her employer's till with the aim of paying it back in a few days when she receives her salary. She goes to Dressed to Kill fashion store to buy her daughter an outfit. The manager, Tito is quite helpful and points out a dress worth R1, 500 rands. Mrs Johnson likes the dress and she buys it for her daughter. Tito also offers Mrs Johnson a necklace which he describes as pure diamond worth R38, 000 rands for R500. Mrs Johnson buys it with the R500 that is left over.

While Mrs Johnson is waiting for the manager to wrap up her purchases, she sees a beautiful bracelet on the floor. She thinks it would go well with the outfit she bought her daughter. She steps on it concealing it with her shoe. As she goes out of the store she kicks it hoping to pick it up when she is out of the store. Unfortunately she is arrested by the security before she leaves the store.

On 12 October, Mrs Johnson sends Beauty the outfit by mail. Beauty receives a consignment note, informing her that the parcel has arrived. The post office is 20 kilometers from the school. Beauty is a prefect. She has access to the matron's car but she is only allowed to drive it on the school premises. She knows the matron has gone to a conference and will be back the next day. She takes the matron's car without permission to go and fetch her parcel. She is hoping to return the car before the matron returns from the conference.

When Beauty arrives at the post office she is instructed to look for her parcel in the store room. She immediately identifies and takes it without surrendering the consignment note and signing for it. She put it in the back of the car and drives off. On her way back to school she is so excited that she drives into a tree causing extensive damage to the car. She abandons the car, hoping no one will notice she had taken it. She takes a taxi to the school. When she arrives she opens the parcel and discovers that the necklace is a cheap fake that has fallen apart in transit.

The next day, the post master calls the school. He informs the matron that Beauty has taken her parcel without surrendering the consignment note and signing for it. He also informs her that Beauty was driving the matron's car.

- (a) Discuss Mrs Johnson's criminal liability in respect of the R2 000 she took out of the till and the bracelet
- (b) Discuss Tito's criminal liability in respect of the sale of the fake necklaces to Mrs Johnson
- (c) Discuss Beauty's criminal liability in respect of the matron's car and the parcel she took from the post office.

[20 marks]

[TOTAL FOR THIS PAPER: 60 MARKS]

F.1 General

Burchell chap 12

Or Snyman 95-103

F.1.1 Clarke v Hurst NO 1992 (4) SA 630 (D)

F.1.2 R v Britz 1949 (3) SA 293 (A)

F.1.3 R v Ndhlovu 1945 AD 369

F.1.4 S v Swanepoel 1985 (1) SA 576 (A)

F.2 Private Defence

Burchell chaps 13 & 14, pp 514-516

Or Snyman 103-115

F.2.1 Coetzee v Fourie 2005 (1) SACR 382 (SCA)

F.2.2 Ex parte Minister van Justisie: In re S v Van Wyk 1967 (1) SA 488 (A)

F.2.3 Mugwena v Minister of Safety and Security [2006] 2 All SA 126 (SCA)

F.2.4 R v Hele 1947 (1) SA 272 (E)

F.2.5 R v Hope 1917 NPD 145

F.2.6 R v Mathlau 1958 (1) SA 350 (A)

F.2.7 R v Mhlongo 1960 (4) SA 574 (A)

F.2.8 R v Patel 1959 (3) SA 121 (A)

F.2.9 R v Stephen 1928 WLD 170

F.2.10 R v Van Vuuren 1961 (3) SA 305 (E)

F.2.11 R v Zikalala 1953 (2) SA 568 (A)

F.2.12 S v Bailey 1982 (3) SA 772 (A)

F.2.13 S v De Oliveira 1993 (2) SACR 59 (A)

F.2.14 S v Engelbrecht 2005 (2) SACR 41 (W)

F.2.15 S v Joshua 2003 (1) SACR 1 (SCA)

F.2.16 S v Mogohlwane 1982 (2) SA 587 (T)

F.2.17 S v Mokonto 1971 (2) SA 319 (A)

F.2.18 S v Ntuli 1975 (1) SA 429 (A)

F.2.19 S v T 1986 (2) SA 112 (O)

F.2.20 Govender v S [2007] 3 All SA 580 (SCA) – force only before attack ended

F.3 Necessity, Duress and Compulsion

Burchell chap 15 & p 517

Or Snyman 115-123

F.3.1 Abbott v R [1976] 3 All ER 140 (PC)

F.3.2 Lynch v DPP [1975] 1 All ER 913 (HL)

F.3.3 R v Dudley & Stephens (1884) 14 QBD 273

F.3.4 R v Canestra 1951 (2) SA 317 (A)

F.3.5 R v Garnsworthy 1923 WLD 17

F.3.6 R v Howe [1987] 1 All ER 771 (HL)

- F.3.7 R v Mahomed 1938 AD 30
- F.3.8 R v Werner 1947 (2) SA 828 (A)
- F.3.9 S v Adams; S v Werner 1981 (1) SA 187 (A)
- F.3.10 S v Alfeus 1979 (3) SA 145 (A)
- F.3.11 S v Bailey 1982 (3) SA 772 (A)
- F.3.12 S v Bradbury 1967 (1) SA 387 (A)
- F.3.13 S v Goliath 1972 (3) SA 1 (A)
- F.3.14 S v Kibi 1978 (4) SA 173 (E)
- F.3.15 S v Mandela 2001 (1) SACR 156 (C)
- F.3.16 S v Peterson 1980 (1) 938 (A)
- F.3.17 S v Pretorius 1975 (2) SA 85 (SWA)

F.4 Impossibility (Self-Study)

Burchell chap 16

Or Snyman 61-63

F.4.1 Attorney-General v Grieve 1934 TPD 187

F.4.2 R v Canestra 1951 (2) SA 317 (A)

F.4.3 R v Close Settlement Corporation 1922 AD 294

F.4.4 R v Jetha (1929) 50 NPD 91

F.4.5 R v Mostert 1915 CPD 266

F.4.6 S v Mafu 1966 (2) SA 240 (E)

F.5 Consent

Burchell chap 20

Or Snyman 123-128

F.5.1 Clarke v Hurst NO 1992 (4) SA 630 (D)

F.5.2 R v Brown [1993] 2 All ER 75

F.5.3 R v McCoy 1953 (2) SA 4 (SR)

F.5.4 S v Collett 1978 (3) SA 206 (RA)

F.5.5 S v Robinson 1968 (1) SA 666 (A)

F.5.6 S v Sikunyana 1961 (3) SA 549 (E)

F.5.7 South African Law Commission Report: Project 86: Euthanasia and the Artificial Preservation of Life (November 1998)

F.5.8 Stoffberg v Elliot 1923 CPD 148

G CRIMINAL LIABILITY OF ARTIFICIAL PERSONS

G.1 Liability under s 332 of the Criminal Procedure Act

Burchell chap 39

Or Snyman 253-256

G.1.1 Ex parte Minister van Justisie: In re S v SAUK 1992 (4) SA 804 (A);
Andrew Paizes 1992 AS 511

G.1.2 R v Bennett & Co (Pty) Ltd 1941 TPD 194

G.1.3 R v Booth Road Trading Co (Pty) Ltd 1947 (1) PH K48 (N)

G.1.4 R v Levy 1929 AD 312

G.1.5 R v Markins Motors (Pty) Ltd 1959 (3) SA 508 (A)

- G.1.6 R v Van Heerden 1946 AD 168
- G.1.7 R v Wege 1959 (3) SA 268 (C)
- G.1.8 S v Coetzee 1997 (3) SA 527 (CC)
- G.1.9 S v Klopper 1975 (4) SA 773 (A)

H DEGREES OF PARTICIPATION IN CRIME

H.1 Principals and Accessories

Burchell 572-574, 599-605

Or Snyman 257-263, 273-278

H.1.1 R v Jackelson 1920 AD 486

H.1.2 R v M 1950 (4) SA 101 (T)

H.1.3 R v Mbande 1933 AD 382

H.1.4 R v Megson 1931 TPD 371

H.1.5 R v Parry 1924 AD 401

H.1.6 R v Rasool 1924 AD 44

H.1.7 R v Shikuri 1939 AD 225

H.1.8 R v White 1934 CPD 60

H.1.9 S v D 1969 (2) SA 591 (RAD)

H.1.10 S v Kellner 1963 (2) SA 435 (A)

H.1.11 S v Williams 1980 (1) SA 60 (A); R C Whiting 'Principals and accessories in crime' (1980) 97 SALJ 199

H.1.12 S v Wannenburg 2007 (1) SACR 27 (C)

H.2 Common Purpose

Burchell 574-599

Or Snyman 263-272

H.2.1 R v Dladla 1962 (1) SA 307 (A)

H.2.2 R v Du Randt 1954 (1) SA 313 (A)

H.2.3 R v Mgxwiti 1954 (1) SA 370 (A)

H.2.4 Whitehead v The State [2008] 2 All SA 257 (SCA)

H.2.5 R v Shezi 1948 (2) SA 119 (A)

H.2.6 S v Beahan 1992 (1) SACR 307 (ZS)

H.2.7 S v Dlamini 1984 (3) SA 360 (N)

H.2.8 S v Khanye [2004] 1 All SA 662 (T)

H.2.9 S v Khoza 1982 (3) SA 1019 (A)

H.2.10 S v Khoza [2006] 4 All SA 89 (N)

H.2.11 S v Madlala 1969 (1) SA 637 (A)

H.2.12 S v Malinga 1963 (1) SA 692 (A)

H.2.13 **S v Mgedezi 1989 (1) SA 687 (A)**

H.2.14 S v Molimi 2006 (2) SACR 8 (SCA)

H.2.15 **S v Motaung 1990 (4) SA 485 (A)**

H.2.16 S v Musingadi 2005 (1) SACR 395 (SCA)

H.2.17 S v Ngobozi 1972 (3) SA 476 (A)

H.2.18 S v Nhlapo 1981 (2) SA 744 (A)

H.2.19 **S v Nkwenja 1985 (2) SA 560 (A)**

H.2.20 S v Nzo 1990 (3) SA 1 (A)

H.2.21 **S v Safatsa 1988 (1) SA 868 (A)**

H.2.22 S v Sibeko 2004 (2) SACR 22 (SCA)

H.2.23 **S v Singo 1993 (2) SA 765 (A)**; Andrew Paizes 'Common purpose

by

active association: Some questions and difficult choices' (1995)

112

10 SALJ 561

H.2.24 S v Thomo 1969 (1) SA 385 (A)

H.3 Accessories after the Fact

Burchell chap 42

Or Snyman 278-281

H.3.1 Ex parte Minister of Justice: In re R v Maserow 1942 AD 164

H.3.2 **R v Gani 1957 (2) SA 212 (AD)**

H.3.3 R v Jongani 1937 AD 401

H.3.4 R v Mlooi 1925 AD 131

H.3.5 R v Nkai Majara [1954] AC 235 (PC)

H.3.6 R v Pather 1927 TPD 800

H.3.7 **S v Jonathan 1987 (1) SA 633 (A)**

H.3.8 S v Rossi-Conti 1971 (2) SA 62 (RA)

H.3.9 S v Velumurugen 1985 (2) SA 437 (D)

I INCHOATE OFFENCES

I.1 Attempts

Burchell chaps 43 & 44

Or Snyman 283-294

I.1.1 R v B 1958 (1) SA 199 (A)

I.1.2 **R v Davies 1956 (3) SA 52 (A)**

I.1.3 R v Hlatwayo 1933 TPD 441

I.1.4 R v Katz 1959 (3) SA 408 (C)

I.1.5 R v Nhlovo 1921 AD 485

I.1.6 **R v Schoombie 1945 AD 541**

I.1.7 R v Sharpe 1903 TS 868

I.1.8 S v du Plessis 1981 (3) SA 382 (A)

I.1.9 S v Laurence 1975 (4) SA 825 (A)

I.1.10 S v Palmos 1979 (2) SA 82 (A)

I.1.11 S v W 1976 (1) SA 1 (A)

I.2 Incitement (Self-Study)

Burchell chap 45

Or Snyman 298-305

I.2.1 R v Milne & Erleigh (7) 1951 (1) SA 791 (A)

I.2.2 R v Nhlovo 1921 AD 485

I.2.3 R v Wolff 1930 TPD 821

I.2.4 S v Nkosiyana 1966 (4) SA 655 (A)

I.3 Conspiracy (Self-Study)

Burchell chap 46

Or Snyman 294-297

I.3.1 R v Harris (1927) 48 NLR 330

I.3.2 R v Kaplan (1893) 10 SC 259

I.3.3 R v S 1959 (1) SA 680 (C)

I.3.4 S v Alexander 1965 (2) SA 818 (C)

I.3.5 S v Basson 2000 (1) SACR 1 (T)

I.3.6 S v Du Toit (3) 2004 (1) SACR 66 (T)

SPECIFIC CRIMES

J Theft

Burchell chaps 61 & 62, pp 798-805

Or Snyman 483-511

J.1 Contrectatio

J.1.1 R v Carelse and Kay 1920 CPD 471

J.1.2 R v Makonie 1942 OPD 164

J.1.3 R v Mapiza 1945 (1) PH H68 (C)

J.1.4 R v Milne and Erleigh (7) 1951 (1) SA 791 (A)

J.1.5 R v Mlooi 1925 AD 131

J.1.6 R v Moodley (1914) 35 NLR 514

J.1.7 R v Naidoo 1949 (4) SA 858 (A)

J.1.8 R v Nerera 1939 SR 297

J.1.9 R v Nhleko 1920 TPD 231

J.1.10 R v Shangase 1960 (1) PH H123 (N)

J.1.11 R v Strydom 1952 (2) SA 397 (T)

J.1.12 R v Tarusika 1959 (1) R & N 51 (SR)

J.1.13 R v Taurusarira 1945 SR 12

J.1.14 S v Bergh 1975 (3) SA 359 (O)

J.1.15 **S v Dlamini 1984 (3) SA 196 (N)**

J.1.16 S v Graham 1975 (3) SA 569 (A)

J.1.17 S v Mani 2002 (2) SACR 393 (E)

J.1.18 S v Tau 1996 (2) SACR 97 (T)

J.1.19 S v Van Coller (1989) 15 Cape LJ 281

J.1.20 S v Verwey 1968 (4) SA 682 (A)

J.2 Unlawful Taking

J.2.1 **Ex parte Minister of Justice: In re R v Gesa; R v de Jongh 1959 (1) SA 234 (A)**

J.2.2 **Ex parte Minister of Justice: In re R v Maserow 1942 AD 164**

J.2.3 R v Jona 1961 (2) SA 301 (W)

J.2.4 R v Lepheana 1955 (3) SA 334 (N)

J.2.5 S v De Jager 1965 (2) SA 616 (A)

J.2.6 S v Graham 1975 (3) SA 569 (A)

J.3

Intent to Steal

J.3.1 R v Buffel Dikgat 1928 GWL 11

J.3.2 R v De Kock 1951 (2) SA 342 (T)

J.3.3 R v De Ruiter 1957 (3) SA 361 (A)

J.3.4 R v Geddes 1964 (4) SA 48 (SR,AD)

J.3.5 R v Harlow 1955 (3) SA 259 (T)

J.3.6 R v Hendricks 1938 CPD 456

J.3.7 R v Kinsella 1961 (3) SA 519 (C)

J.3.8 **R v Laforte 1922 CPD 487**

J.3.9 R v Lahee 1941 **EDL 215**

J.3.10 R v Markin's Motors 1959 (3) SA 508 (A)

J.3.11 R v Maruba 1942 OPD 51

J.3.12 R v Mtshali 1960 (4) SA 252 (N)

J.3.13 R v Ndhlela 1956 (2) SA 4 (N)

J.3.14 R v Ndukiso 1945 EDL 119

J.3.15 R v Nqwilis 1922 EDL 113

J.3.16 **R v Sibiyi 1955 (4) SA 247 (A)**

J.3.17 R v Slabbett 1941 EDL 109

J.3.18 S v De Blom 1977 (3) SA 513 (A)

J.3.19 S v Dreyer 1967 (4) SA 614 (E)

J.3.20 S v Johnson 1977 (4) SA 116 (RA)

J.3.21 S v Modise 1966 (4) SA 680 (GW)

J.3.22 S v Rantsane 1973 (4) SA 380 (O)

J.3.23 S v Van Coller 1970 (1) SA 417 (A)

J.4

Property Capable of Being Stolen

J.4.1 Queen v Philander Jacobs (1876) 7 Buch 171

J.4.2 R v Albasini 1967 (4) SA 605 (RA)

J.4.3 R v Bruigom 1933 TPD 109

J.4.4 R v Cheeseborough 1948 (3) SA 756 (T)

J.4.5 R v Janoo 1959 (3) SA 107 (A)

J.4.6 R v Judelman (1893) 10 SC 12

J.4.7 R v Manuel 1953 (4) SA 523 (A)

J.4.8 R v Matlare 1965 (3) SA 326 (C)

J.4.9 R v Milne and Erleigh (7) 1951 (1) SA 791 (A)

J.4.10 R v Mofohla 1958 (2) SA 373 (SR)

J.4.11 R v Munango 1956 (1) SA 438 (SWA)

J.4.12 R v Pretorius 1908 TS 272

J.4.13 R v Renaud 1922 CPD 322

J.4.14 R v Satisfsky 1915 CPD 574

J.4.15 R v Schoulides 1956 (2) SA 388 (A)

J.4.16 R v Shandu 1927 TPD 786

J.4.17 R v Von Elling 1945 AD 234

- J.4.18 R v Weiss 1934 AD 41
- J.4.19 R v Wilson 1961 (1) SA 431 (FC)
- J.4.20 S v Graham 1975 (3) SA 569 (A)
- J.4.21 S v Johnson 1977 (4) SA 116 (RA)
- J.4.22 S v Kimmich 1996 (2) SACR 200 (C)
- J.4.23 S v Luther 1962 (3) SA 506 (A)
- J.4.24 S v Mintoor 1996 (1) SACR 514 (C)

J.5 Continuing Offence

- J.5.1 S v Cassiem 2001 (1) SACR 489 (SCA)

K Unauthorized Borrowing (contravening s 1 of General Law Amendment Act 50 of 1956)

Burchell 809-816

Or Snyman 511-517

- K.1 R v Dunyua 1961 (3) SA 644 (O)
- K.2 R v Maarman 1959 (2) PH H217 (GW)
- K.3 R v Mtshali 1960 (4) SA 252 (N)
- K.4 R v Seeiso 1958 (2) SA 231 (GW)
- K.5 **S v Rheeder 2000 (2) SACR 558 (A)**
- K.6 S v Terblance 2007 (1) SACR 545 (C)

Failure to Give Account of Possession of Goods Suspected of Being Stolen (contravening s 36 of the General Law Amendment Act 62 of 1955)

Burchell 808 (section F)

Or Snyman 523-528

- L.1 Osman v Attorney-General, Transvaal 1998 (4) SA 1224 (CC)
- L.2 R v Ismail 1958 (1) SA 206 (A)
- L.3 S v Mbele 2004 (2) SACR 537 (Ck)
- L.4 S v Rubenstein 1964 (3) SA 480 (A)
- L.5 S v Aube 2007 (1) SACR 655 (W)

M Robbery

Burchell chap 64

Or Snyman 517-521

- M.1 **Ex parte Minister of Justice: In re R v Gesa; R v De Jongh 1959 (1) SA 234 (A)**
- M.2 **Ex parte Minister van Justisie: In re S v Seekoei 1984 (4) SA 690 (A)**
- M.3 R v Edwards (1843) 1 Cox CC 32
- M.4 R v Kammusamy 1959 (1) SA 825 (N)
- M.5 R v Magao 1959 (1) SA 489 (A)
- M.6 R v Matshaba 1961 (3) SA 78 (T)
- M.7 S v Dlamini 1975 (2) SA 524 (D)
- M.8 S v Hlatswayo 1964 (2) SA 123 (T)
- M.9 S v Malinga 1962 (3) SA 589 (T)

- M.10 S v Marais 1969 (4) SA 532 (NC)
- M.11 S v Mati 2002 (1) SACR 323 (C)
- M.12 S v Moerane 1962 (4) SA 105 (T)
- M.13 S v Mofokeng 1982 (4) SA 147 (T)
- M.14 S v Mogala 1978 (2) SA 412 (A)
- M.15 S v Pachai 1962 (4) SA 246 (T)
- M.16 S v Salmans 2006 (1) SACR 333 (C)
- M.17 S v Sithole 1981 (1) SA 1186 (N)
- M.18 S v Witbooi 1984 (1) SA 242 (C)
- M.19 S v Yolelo 1981 (1) SA 1002 (A)
- M.20 Maneli v S [2008] 3 All SA 155 (SCA)

N

Fraud

Burchell chap 66

Or Snyman 531-540

- N.1 R v Bell 1963 (2) SA 335 (N)
- N.2 R v Deale 1960 (3) SA 846 (T)
- N.3 R v Deetlefs 1953 (1) SA 418 (A)
- N.4 R v Dyonta 1935 AD 52
- N.5 R v Frankfort Motors (Pty) Ltd 1946 OPD 255
- N.6 R v Henkes 1941 AD 143
- N.7 R v Heyne 1956 (3) SA 604 (A)
- N.8 R v Kruse 1946 AD 524
- N.9 R v Larkins 1934 AD 91
- N.10 R v Myers 1948 (1) SA 375 (A)
- N.11 R v Persotam 1938 AD 92
- N.12 R v Seabe 1927 AD 28
- N.13 R v Sole 2004 (2) SACR 599 (Les)
- N.14 R v Thabeta 1948 (3) SA 218 (T)
- N.15 Re London and Globe Finance Corp Ltd (1903) 1 Ch 728
- N.16 S v Boesak 2000 (1) SACR 633 (SCA)
- N.17 S v Coetzee 1997 (3) SA 527 (CC)
- N.18 S v Friedman (1) 1996 (1) SACR 181 (W)
- N.19 S v Harper 1981 (2) SA 638 (D)
- N.20 S v Heller (2) 1964 (1) SA 524 (W)
- N.21 S v Kruger 1961 (4) SA 816 (A)
- N.22 S v Moolman 2006 (1) SACR 432 (T)
- N.23 S v Ostilly 1977 (2) SA 104 (D)
- N.24 S v Schnittker 1964 (3) SA 10 (GW)
- N.25 S v Tshoba 1989 (3) SA 393 (A)
- N.26 S v Western Areas Ltd 2004 (1) SACR 429 (W)
- N.27 S v Yengeni 2006 (1) SACR 405 (T)
- N.28 S v Shaik 2007 (1) SACR 247 (SCA)

O

Rape

Burchell chap 51

Or Snyman 355-371

- O.1 DPP v Morgan [1976] AC 182
- O.2 R v B 1958 (1) SA 199 (A)
- O.3 R v C 1952 (4) SA 117 (O)
- O.4 R v Handcock 1925 OPD 147
- O.5 R v K 1958 (3) SA 420 (A)
- O.6 R v M 1949 (4) SA 831 (A)
- O.7 R v M 1950 (4) SA 101 (T)
- O.8 R v M 1953 (4) SA 393 (A)
- O.9 R v Swiggelaar 1950 (1) PH H61 (A)
- O.10 R v Williams 1931 (1) PH H38 (E)
- O.11 R v Williams [1923] 1 KB 340
- O.12 R v Z 1960 (1) SA 739 (A)
- O.13 S v Volschenk 1968 (2) PH H283 (D)
- O.14 S v W 2004 (1) SACR 460 (C)
- O.15 S v Zuma 2006 (2) SACR 191 (W)
- O.16 S v Masiya 2006 (2) SACR 357 (T); Mayisa v Director of Public Prosecutions 2007 (2) SACR 435 (CC)
- O.17 **Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007** (available at <http://www.info.gov.za/gazette/acts/2007/a32-07.pdf>)

P

Assault

Burchell 680-688

Or Snyman 455-461

- P.1 R v Dhlamini 1931 (1) PH H57 (T)
- P.2 S v A 1993 (1) SACR 600 (A)
- P.3 S v Marx 1962 (1) SA 848 (N)
- P.4 S v Miya 1966 (4) SA 274 (N)

Q

Assault with Intent to do Grievous Bodily Harm

Burchell 688-691

Or Snyman 461-462

- Q.1 S v Bergh 2006 (2) SACR 225 (N)
- Q.2 S v Erasmus 2005 (2) SACR 658 (SCA)
- Q.3 S v Mbelu 1966 (1) PH H176 (N)
- Q.4 S v Mdau 2001 (1) SACR 625 (W)
- Q.5 S v Reabow 2007 (2) SACR 292 (E)

R

Other Assaults with Intent

Snyman 462-463 (no discussion in Burchell)

- R.1 R v B 1958 (1) SA 199 (A)
- R.2 S v Ken 1966 (4) SA 514 (N)

S

Sexual Assault

Burchell 691-698

Or Snyman 371-381

- S.1 R v Abrahams 1918 CPD 590
- S.2 R v Curtis 1926 CPD 385
- S.3 S v A 1993 (1) SACR 600 (A)
- S.4 S v F 1982 (2) SA 580 (T)
- S.5 Egglestone v S [2008] 4 All SA 207 (SCA)