

CMP2016

(488802)

October/November 2009

Oktober/November 2009

LAW OF CRIMINAL PROCEDURE: PRE-TRIAL PROCEDURES
STRAFPROSESREG: VOOR-VERHOORPROSEDURES

| | | |
|----------|---------|-----------|
| Duration | 2 Hours | 100 Marks |
| Tydsduur | 2 Uur | 100 Punte |

EXAMINERS / EKSAMINATORE :

| | | |
|----------------|--------------------------------|-------------------------------------|
| FIRST / EERSTE | PROF PM BEKKER MS/ME N MALI | MR/MNR G P STEVENS ADV T MOKOENA |
| SECOND / TWEDE | PROF JP SWANEPOEL | |

The paper consists of 30 pages including additional blank pages plus instructions for completion of a mark reading sheet. Students must hand in both the completed mark reading sheet and the examination question paper.

Hierdie eksamenvraestel bestaan uit 30 bladsye wat ook ekstra blanke bladsye insluit plus instruksies vir die voltooiing van 'n merkleesblad. Studente moet beide die voltooide merkleeskaart en die eksamenvraestel inhandig.

This examination paper remains the property of the University of South Africa
and may not be removed from the examination room

*Hierdie eksamenvraestel bly die eiendom van die Universiteit van Suid-Afrika
en mag nie uit die eksamenlokaal verwyder word nie.*

INSTRUCTIONS

- THE QUESTIONS IN THIS PAPER COUNT A HUNDRED MARKS AND THE PAPER CONSISTS OF TWO SECTIONS, MARKED A AND B. SECTION A COUNTS 16 MARKS AND SECTION B, 84 MARKS. YOU MUST ANSWER BOTH SECTIONS A AND B. SECTION A CONSISTS OF MULTIPLE CHOICE QUESTIONS WHICH HAVE TO BE ANSWERED ON A SEPARATE MARK READING SHEET. SECTION B CONSISTS OF FOUR (4) QUESTIONS THAT HAVE TO BE ANSWERED ON THE EXAMINATION QUESTION PAPER.
- SECTION A The questions in this section have to be answered on the mark reading sheet which will be issued with your examination question paper. You have to read the instructions in connection with the use of the mark reading sheet carefully. Failure to do so may result in the computer being unable to read your answers.

Section A consists of eight (8) multiple choice questions. Answer all eight questions. Each of the eight multiple choice questions in Section A, consists of four statements, marked (a)-(d). Some of these statements are correct and some are incorrect. You have to decide which are correct and which are not. The four statements are followed by five possible answers marked (1)-(5) claiming that a certain statement or combination of statements is correct or incorrect. You have to decide which answer reflects the accurate version of your conclusion. Each correct answer counts 2 marks (or 2%). Read the questions carefully then select only one of the alternative possible answers which you regard as correct. Mark the chosen option (1), (2), (3), (4) or (5) on the mark reading sheet next to the correct number of the question. Also bear in mind that if a composite statement is partly correct and partly incorrect, the statement AS A WHOLE is incorrect.

[TURN OVER]
[BLAAI OM]

- 3 SECTION B The questions in this section have to be answered on the examination paper. Section B consists of four questions with subsections. Two questions count 22 marks each and two questions count 20 marks each, totalling 84 marks.

Please note, that you have a choice only in the (a)-questions of some of the questions and you are required to answer either the one (a)-question or the other (a)-question of those questions, but not both as only the *first* one will be marked where both have been answered. Indicate your choice by deleting the (a)-question you did not select to complete.

Additional numbered pages have been attached at the back of this paper should you require more paper space in order to complete an answer. Unless you inform the examiner on the allotted page about this and indicate the page number where you have completed the question, the remaining part of your answer will not be marked! (Please indicate also the question number at the back where you are continuing.)

- 4 Please note that in this paper all references to specific sections, refer to the Criminal Procedure Act 51 of 1977 unless otherwise indicated.

INSTRUKSIES

- 1 HIERDIE VRAESTEL TEL HONDERD PUNTE EN BESTAAAN UIT TWEE AFDELINGS, GEMERK A EN B AFDELING A TEL 16 PUNTE EN AFDELINGB TEL 84 PUNTE U MOET BEIDE AFDELINGS BEANTWOORD AFDELING A BESTAAAN UIT MEERVOUDIGEKEUSEVRAE WAT U OP 'N AFSONDERLIKE MERKLEESBLAD MOET INVUL AFDELING B BESTAAAN UIT VIER (4) VRAE WAT OP DIE VRAESTEL BEANTWOORD MOET WORD

- 2 AFDELING A Beantwoord hierdie vrae op die merkleesblad wat saam met u vraestel aan u uitgereik word. U moet die instruksies oor die voltooiing van die merkleesblad sorgvuldig deurlees. Versuim om dit te doen kan veroorsaak dat u antwoorde nie deur die rekenaar nagesien kan word nie.

AFDELING A bestaan uit 8 meervoudigekeusevrae. Beantwoord al hierdie vrae. Elkeen van die agt vrae bestaan uit vier stellings gemerk (a)-(d). Sommige van hierdie stellings is korrek en sommiges is verkeerd. U moet besluit watter korrek is en watter is nie. Die vier stellings word gevvolg deur vyf moontlike antwoorde gemerk (1)-(5), wat beweer dat 'n sekere stelling of kombinasie van stellings korrek of nie korrek is nie. U moet besluit watter antwoord die akkurate weergawe van u gevolgtrekking gee. Elke korrekte antwoord tel twee (2) punte (oftewel 2%). Lees die vrae versigtig deur en kies dan slegs een van die alternatiewe moontlike antwoorde wat u dink korrek is. Dui die een verkose opsie (1), (2), (3), (4) of (5) op die merkleeskaart aan langs die korrekte nommer van die vraag. Waar 'n samegestelde stelling deels korrek en deels verkeerd is, dan is die stelling AS GEHEEL verkeerd.

- 3 AFDELING B Bestaan uit vier vrae met onderafdelings waarvan twee vrae 22 punte elk tel en twee vrae wat 20 punte elk tel (met 'n totaal van 84 punte). Beantwoord al hierdie vrae op die eksamenvraestel.

Let op dat u slegs in vraag (a) van sommige vrae u 'n keuse het. Doe slegs een van die keusevrae (maar kies slegs een (a)-vraag). Indien u beide die (a)-vrae in so 'n geval sou voltooi, sal slegs die eerste (a)-vraag wat u voltooi het, gemerk word. Dui u keuse aan deur die (a)-vraag wat u nie doen nie, dood te trek.

Let ook op dat ekstra bladsye aan die einde van die vraestel ingevoeg is in geval u nie genoeg skryf ruimte gehad het om 'n vraag op die gegewe plek te kon voltooi nie. Tensy u die eksaminator op die gegewe plek hieroor inlig en ook die bladsy nommer verskaf waar u voortgaan, sal die res van u antwoord nie gemerk word nie! (Verskaf ook die vraagnommer agter waar u voortgaan.)

- 4 Let asseblief daarop dat alle verwysings in hierdie vraestel na artikels verwys van die Strafproseswet 51 van 1977 tensy anders aangedui.

SECTION A / AFDELING A**Multiple choice questions/ Meervoudige keusevrae**

English and Afrikaans questions are separate Afrikaans follows after English
Engels en Afrikaans is apart. Afrikaans volg na Engels op bladsy 7

Question 1

- (a) It is necessary to note that both the crime control and due process models seek to vindicate the goals of substantive criminal law
 - (b) It should be noted that the listing of certain rights in the Bill of Rights does mean that other rights (eg granted by common law) are negated
 - (c) If the State has proved a *prima facie* case against the accused, ie it has covered each and every element of the crime by evidence, the *prima facie* proof may harden into sufficient evidence for a conviction
 - (d) The Supreme Court of Appeal may act as a court of appeal only, except in cases of contempt *in facie curiae*, where the court has an inherent power summarily to impose a sentence
- [1] All the statements are correct.
[2] Only statements (a) and (b) are correct
[3] Only statements (b) and (d) are correct
[4] Only statements (a), (c) and (d) are correct
[5] All the statements are wrong

Question 2

- (a) Offences committed by South African citizens in Antarctica are justifiable in the magisterial district of Pretoria.
 - (b) The prosecuting authority is accountable to the President
 - (c) A Director of Public Prosecutions must vacate office at the age of 65 and may not later be re-appointed
 - (d) The prosecuting authority's discretion may not be reviewed by a higher court
- [1] All the statements are wrong.
[2] All the statements are correct
[3] Only statements (c) and (d) are correct
[4] Only statements (b) and (c) are correct
[5] Only statement (a), (b) and (c) are correct

Question 3

- (a) A Director of Public Prosecutions has in certain limited circumstances the power to detain a prospective State witness for a period of up to seven days without a judge having so ordered
 - (b) In practice there is some form of co-operation between the police and prosecutors in the investigation of a case and its preparation for trial
 - (c) Occasionally there might be good grounds for refusing to prosecute despite the fact that a *prima facie* case exists
 - (d) The prosecuting authority may withdraw a charge before the accused has pleaded to such a charge and the accused is then entitled to a verdict of acquittal
- [1] All the statements are correct
 - [2] All the statements are wrong
 - [3] Only statements (b), (c) and (d) are correct
 - [4] Only statements (a), (b) and (d) are incorrect
 - [5] Only statements (a) and (d) are incorrect

Question 4

- (a) In certain circumstances the grossly improper conduct of the prosecution may result in an interdict restraining him from participating in the prosecution
 - (b) The state should not have a monopoly of the right to prosecute
 - (c) The right to legal representation is not confined to the accused but is extended to witnesses in appropriate cases
 - (d) If an accused person terminates the mandate of his legal representative, the court ought to inquire into the reasons for the termination
- [1] All the statements are correct
 - [2] All the statements are wrong
 - [3] Statements (a) and (b) are correct
 - [4] Statements (a) and (c) are correct
 - [5] Statements (a) and (d) are correct

Question 5

- (a) A public prosecutor may also reduce an admission of guilt fine on good cause shown
 - (b) The Criminal Procedure Act authorises a police official to conduct a search if he on reasonable grounds believes that certain circumstances exist
 - (c) A warrant of arrest may be issued on any day
 - (d) An obligation to extradite can only come into being in terms of an agreement
- [1] Only statements (a) and (b) are correct
 - [2] All the statements are wrong
 - [3] Only statements (a) and (c) are correct
 - [4] Only statements (a) and (d) are correct
 - [5] All the statements are correct

Question 6

- (a) In terms of the Constitution the only object of the South African Police Service is to investigate crime
 - (b) A warrant of arrest is executed by a peace officer
 - (c) The power conferred upon a private citizen to arrest without a warrant should be exercised sparingly and with great circumstances
 - (d) An arrested person has to be brought to a court of law as soon as possible after his arrest
- [1] All the statements are wrong
 - [2] All the statements are correct
 - [3] Only statements (a) and (b) are correct
 - [4] Only statements (b) and (c) are correct
 - [5] Only statements (a) and (c) are correct

Question 7

- (a) Bail is non-penal in character
 - (b) Only cash payments and sureties can be received in payment of police bail
 - (c) Bail appeals are *prima facie* urgent
 - (d) In deciding a bail application, a court cannot ignore an accused's threat to continue his hunger strike if bail is refused
- [1] Only statements (a) and (b) are correct
 - [2] Only statements (a) and (c) are correct
 - [3] All the statements are correct
 - [4] All the statements are wrong
 - [5] Only statements (b) and (c) are correct

Question 8

- (a) A refusal of bail by the prosecutor is a non reversible order
 - (b) 'Police bail' may be granted by any constable in the South African Police Service
 - (c) A warrant of arrest may be issued by a Judge of the High Court
 - (d) Only a Director of Public Prosecutions could authorise a prosecution for the offence of genocide
- [1] Only statements (a) and (b) are correct
 - [2] Only statements (a) and (c) are correct
 - [3] All the statements are correct
 - [4] All the statements are wrong
 - [5] Only statements (b) and (c) are correct

TOTAL [16]**[TURN OVER]
[BLAAI OM]**

MEERVOUDIGEKEUSEVRAAG**Vraag 1**

- (a) *Dit is nodig om te beklemtoon dat beide die misdaadbeheer-model en die prosessuele geregtigheidsmodel die oogmerke van die materiele strafreg verwesenlik of bevredig*
- (b) *Daar moet op gelet word dat die Handves van Regte die bestaan van ander regte (bv deur die gemene reg verleen) ontken*
- (c) *As die staat 'n **prima facie**-saak teen die beskuldigde bewys het, dit wil sê, elke element van die misdaad gedek het deur getuenis kan die **prima facie**-bewys tot afdoende bewys vir skuldigbevinding verstewig*
- (d) *Die Hoogste Hof van Appèl het slegs appèljurisdiksie, behalwe in die geval van minagting in **facie curiae**, waar die hof 'n inherente mag het om summier te straf*

- [1] Al die stellings is korrek
- [2] Slegs stellings (b) en (c) is korrek
- [3] Slegs stellings (b) en (d) is korrek
- [4] Slegs stellings (a), (c) en (d) is korrek
- [5] Al die stellings is foutief

Vraag 2

- (a) *Misdade gepleeg deur Suid-Afrikaanse burgers in die Antartika is beregbaar in die landdros distrik van Pretoria*
- (b) *Die vervolgingsgesag doen aan die President verantwoording*
- (c) *'n Direkteur van Openbare Vervolging ontruim sy of haar aangs by bereiking van die ouderdom van 65 jaar en mag dan nie daarna weer heraangestel word nie*
- (d) *Die vervolgingsgesag se diskresie om te vervolg val buite die jurisdiksie van 'n geregshof*

- [1] Al die stellings is foutief
- [2] Al die stellings is korrek
- [3] Slegs stellings (c) en (d) is korrek
- [4] Slegs stellings (b) en (c) is korrek
- [5] Slegs stellings (a), (b) en (c) is korrek

Vraag 3

- (a) 'n Direkteur van Openbare Vervolging het in sekere beperkte omstandighede die bevoegdheid om 'n waarskynlik staatsgetuie vir 'n maksimum tydperk van sewe dae aan te hou sonder dat 'n regter sodanige aanhouding gelas het
- (b) In die praktyk is daar 'n vorm van samewerking tussen die polisie en die vervolging in die ondersoek van 'n saak en die voorbereiding daarvan met die oog op 'n verhoor
- (c) In uitsonderlike omstandighede mag daar goeie gronde wees om te weier om te vervolg ten spyte van die feit dat 'n **prima facie**-saak bestaan
- (d) Die vervolgingsgesag of aanklaer mag 'n aanklag terugtrek voordat 'n beskuldigde daarop gepleit het en die beskuldigde is dan geregtig op vrysspraak
- [1] Al die stellings is korrek
[2] Al die stellings is foutief
[3] Slegs stellings (b), (c) en (d) is korrek
[4] Slegs stellings (a), (b) en (d) is verkeerd
[5] Slegs stellings (a) en (d) is verkeerd

Vraag 4

- (a) In sekere omstandighede kan die growwe onbehoorlike gedrag van die aanklaer tot gevolg hê dat hy deur 'n hofbevel verbied word om deel te neem aan die vervolging
- (b) Die staat behoort nie te besluit oor die alleenreg om 'n vervolging in te stel nie
- (c) Die reg opregsverteenvoordiging is nie beperk tot beskuldigdes nie, maar is in gepaste gevalle ook van toepassing op getuies
- (d) Indien 'n beskuldigde die mandaat van sy regsvtereenwoordiger beëindig, behoort die hof te vra na die redes vir die beëindiging
- [1] Al die stellings is korrek
[2] Al die stellings is foutief
[3] Stellings (a) en (b) is korrek
[4] Stellings (a) en (c) is korrek
[5] Stellings (a) en (d) is korrek

Vraag 5

- (a) 'n Staatsaanklaer kan ook om deugdelike redes 'n skulderkennings boete verminder
- (b) Die Strafproseswet magtig 'n polisiebeampte om persele te betree indien hy redelikings vermoed dat 'n sekere toedrag van sake bestaan
- (c) 'n Lasbrief van inhegtenisneming kan op enige dag uitgereik word
- (d) Enige verpligting om uit te lewe, kan selgs uit hoofde van 'n verdrag ontstaan
- [1] Slegs stellings (a) en (b) is korrek
- [2] Al die stellings is foutief
- [3] Slegs stellings (a) en (c) is korrek
- [4] Slegs stellings (a) en (d) is korrek
- [5] Al die stellings is korrek

Vraag 6

- (a) Kragtens die Grondwet is die Suid-Afrikaanse Polisiediens slegs verantwoordelik vir die ondersoek van misdaad
- (b) 'n Lasbrief vir inhegtenisneming word deur 'n vredesbeampte uitgevoer
- (c) Die bevoegdheid van 'n private persoon om sonder 'n lasbrief inhegtenis te neem, moet spaarsamig en met groot omsegtigheid uitgeoefen word
- (d) 'n Gearresteerde persoon moet so gou moontlik na sy inhegtenisneming na 'n hof gebring word
- [1] Al die stellings is foutief
- [2] Al die stellings is korrek
- [3] Slegs stellings (a) en (b) is korrek
- [4] Slegs stellings (b) en (c) is korrek
- [5] Slegs stellings (a) en (c) is korrek

Vraag 7

- (a) *Borg het nie 'n strafkarakter nie*
- (b) *Slegs kontant of waarborgs kan ter betaling van polisie-borg ontvang word*
- (c) *Borg-appelle is prima facie dringend*
- (d) *'n Beskuldigde se dreigement dat hy sy hongerstaking sal voortsit as borgtog geweier word kan nie deur die hof geignoreer word nie*
- [1] *Slegs stellings (a) en (b) is korrek*
- [2] *Slegs stellings (a) en (c) is korrek*
- [3] *Alle stellings is korrek*
- [4] *Alle stellings is foutief*
- [5] *Slegs stellings (b) en (c) is korrek*

Vraag 7

- (a) *'n Weiring deur die aanklaer om borgtog ingevolge artikel 59A toe te staan is 'n bevel wat nie verander kan word nie*
- (b) *'Polisie borg' mag deur enige konstabel in die Suid Afrikaanse Polisie Diens toegestaan word*
- (c) *'n Lasbrief tot arrestasie mag deur 'n regter van die Hoe Hof verleen word*
- (d) *Slegs 'n Direkteur van Openbare Vervolgings mag 'n vervolging vir die misdaad menseslagting magtig*
- [1] *Slegs stellings (a) en (b) is korrek*
- [2] *Slegs stellings (a) en (c) is korrek*
- [3] *Alle stellings is korrek*
- [4] *Alle stellings is foutief*
- [5] *Slegs stellings (b) en (c) is korrek*

TOTAAL [16]**[TURN OVER]
[BLAAI OM]**

SECTION B / AFDELING B

English and Afrikaans questions are combined See also the warning in the general instructions regarding the selection of an alternative question

Engelse en Afrikaanse vrae is gekombineer. Let ook op die waarskuwing in die algemene instruksies met betrekking tot 'n alternatiewe keusevraag.

Question 1/Vraag 1

- (a) Discuss the position of the victim in the criminal process (14)
- (a) Bespreek die posisie van die slagoffer van misdaad in die strafproses (14)

OR ALTERNATIVELY/ OF ALTERNATIEWELIK

- (a) A, B, C and D are members of a gang who call themselves “shameless monsters” They are frequently involved in various criminal activities including dealing in drugs, robbing banks and also hijackings On 2 January 2009, X, a police official receives a call from an unknown source stating that the gang are busy in their flat in a remote area of the town concluding a big drug deal X realises that due to the fact that it is already late at night he will not be able to apply for a search warrant and accordingly sets off to the alleged crime scene with his colleague, Y Upon arrival X breaks open the door to the gang’s flat and finds huge quantities of illegal drugs, pornographic material and ammunition Y manages to hand-cuff A, B and C and searches them X tries to arrest D who has a gun with him D however, resists and hits X in the face and in the process broke his nose and starts running away X fires a shot that fatally hits D

With regard to the abovementioned facts, answer the following questions

- (i) Discuss the lawfulness or not of the search and seizure conducted by X and Y (6)
- (ii) Discuss the circumstances when lethal force may be used and comment on the lawfulness or not of the force used by X to effect the arrest upon D (8)
- (a) A, B, C en D is lede van 'n bende wat bekend staan as die "shameless monsters" Hulle is gereeld betrokke by verskeie kriminele aktiwiteite soos handeldryf in dwelms, die roof van banke en kapings Op 2 Januarie 2009 ontvang X, 'n polisiebeampte, 'n oproep van 'n onbekende bron dat die bende besig is met 'n groot dwelmtransaksie in hulle woonstel in 'n afgeleë deel van die stad X besef dat as gevolg van die feit dat dit laat is in die aand hy nie betyds 'n lasbrief vir deursoeking sal kan aanvra nie en gaan gevolglik na die beweerde misdaadtoneel tesame met 'n kollega, Y By hulle aankoms op die toneel breek X die deur van die bende se woonstel oop en vind groot hoeveelhede onwettige dwelms, pornografiese materiaal en ammunisie Y boei A, B en C se hande, arresteer en deursoek hulle ook X poog om D wat 'n wapen het, te arresteer D bied egter weerstand en slaan X in die gesig met die wapen wat sy neus breek en begin weghardloop X vuur 'n skoot af wat D noodlottig verwond

Na aanleiding van bovemelde feitestel beantwoord die volgende vroe

- (i) Bespreek die regmatigheid al dan nie van die deursoeking en beslaglegging deur X en Y (6)

(ii) Bespreek die omstandighede wanneer dodelike geweld gebruik kan word en lewer kommentaar op die regmatigheid al dan nie van X se gebruik van geweld om die arrestasie van D te bewerkstellig (8) (14)

[TURN OVER]
[BLAAI OM]

[TURN OVER]
[BLAAI OM]

- (b) Discuss the powers of private persons to arrest without a warrant (8)
(b) Bespreek die bevoegdhede van privaat persone om sonder 'n lasbrief te arresteer (8)

[TURN OVER]
[BLAAI OM]



[22]

[TURN OVER]
[BLAAG OM]

Question 2/ Vraag 2

- (a) In September 2007 a 28 year old woman, X, was severely sexually assaulted by Z who was declared a dangerous offender in 2000 but was later released due to good behaviour. Due to the fact that X only reported the offence in November 2007, various bruises had already healed and other evidentiary materials were destroyed. A, the prosecutor decides not to prosecute Z on charges of attempted rape and sexual assault. X had however, as a result of the incidents in September 2007 received counselling and various sessions of psychotherapy for the psychological trauma inflicted through the assault. B, X's husband feels aggrieved by the decision of the prosecutor, A, of not prosecuting Z. B seeks your advice on whether there are any remedies or alternative procedures to follow. Advise him in detail in this regard. Explain the procedure in detail (14)

(a) In September 2007 is X, 'n 28 jare dame, ernstig seksueel aangerand deur Z wat in 2000 verklaar is tot 'n gevaaarlike misdadiger maar intussen ontslaan is weens goeie gedrag. As gevolg van die feit dat X eers die misdaad in November 2007 aangemeld het, het van die wondreeds genees en is verskeie bewysmateriaal vernietig. A, die aanklaer besluit om nie vir Z op aanklagte van poging tot verkragting en seksuele aanranding te vervolg nie. As gevolg van die incident in September 2007 en die sielkundige trauma van die aanranding moes X egter berading en verskeie sielkundige behandeling sessies ontvang het. B, X se man, voel egter gegrief deur die besluit van A om nie vir Z te vervolg nie en nader u om advies oor alternatiewe remedies of prosedures in hierdie verband. Adviseer hom en bespreek die prosedure breedvoeng (14)

OR ALTERNATIVELY/ OF ALTERNATIEWELK

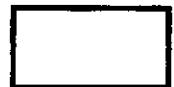
- (a) Discuss the principles relating to the prosecuting authority and the judiciary. (14)

(a) Bespreek die beginsels met betrekking tot die vervolging en die regssprekende gesag (14)

[TURN OVER]
[BLAAI OM]

- (b) Discuss the burden and standard of proof as well as the proof of previous convictions during the course of a bail application (8)

(b) Bespreek die bewysslas en standaard asook die bewys van vorige veroordelings gedurende 'n aansoek om borgtog (8)



[22]

[TURN OVER]
[BLAAI OM]

Question 3/ Vraag 3

- (a) Discuss the jurisdiction with regard to sentencing of the high courts, regional courts and district courts (13)
- (a) Bespeek die jurisdiksie ten aansien van strawwe van die hoër howe, streekhowe en distrikshowe (13)

OR ALTERNATIVELY/ OF ALTERNATIEWELIK

- (a) Captain B, the investigating officer in a murder case, receives the registration number of a motor vehicle that was seen near the murder scene at the time that the incident took place. Captain B decides to follow up on the information and visits the home address of Y, the registered owner of the motor vehicle. Y refuses to open the door or to furnish his full name
- (i) Discuss the powers of Captain B in terms of sections 41, 26 and 27 of the Criminal Procedure Act when he arrives at Y's home (6)
- (ii) Y later admits that he visited his mother who lives next to the premises where the murder took place. However, Y is not very cooperative and he informs Captain B that he does not want to get involved in the matter. He also refuses to make any statement. Captain B is convinced that Y has information that may assist him in solving the case. What steps may Captain B take to obtain information from Y? Discuss in detail (7) (13)
- (a) Kaptein B, die ondersoekbeampte in 'n moordsaak, bekom die registrasienommer van 'n motor wat in die omgewing opgemerk is op ongeveer dieselfde tyd as waarop die misdaad gepleeg is. Kaptein B besluit om die inligting op te volg en besoek die woonadres van Y, die geregistreerde eienaar van die voertuig. Y weier om die deur oop te maak of om sy naam te verskaf
- (i) Bespreek die magte van kaptein B ingevolge artikels 41, 26 en 27 van die Strafproseswet wanneer hy by Y se huis aankom (6)
- (ii) Y erken later dat hy sy moeder besoek het wat langs die perseel woon waar die moord gepleeg is. Y wil egter nie sy volle samewerking gee nie en hy deel kaptein B mee dat hy nie by die saak betrokke wil raak nie. Hy weier ook om 'n verklaring af te lê. Kaptein B is daarvan oortuig dat Y oor inligting beskik wat hom kan help om die saak op te los. Wat staan kaptein B te doen om die inligting waaroor Y beskik in die hande te kry? Bespreek volledig (7) (13)

[TURN OVER]
[BLAAI OM]

- (b) Discuss the principles relating to extradition (7)
(b) Bespreek die beginsels met betrekking tot uitlewering (7)

[TURN OVER]
[BLAAI OM]



[20]

[TURN OVER]
[BLAAI OM]

Question 4/ Vraag 4

- (a) Discuss the principles relating to the duties to inform an accused of the right to legal representation and to afford the accused an opportunity to obtain legal representation (13)

(a) Bespreek die beginsels met betrekking tot die verpligting om 'n beskuldigde in te lig aangaande sy reg totregsverteenwoordiging en om die beskuldigde die geleentheid te bied omregsverteenwoordiging te bekom (13)

[TURN OVER]
[BLAAI OM]

- (b) Discuss a plea in a magistrate's court on a charge justiciable in the regional court (7)
 (b) Bespreek 'n pleit in die landdroshof op 'n aanklag beregbaar in 'n streekhof (7)

1

[20]

10

TOTAL/ TOTAAL [84]

[TURN OVER]
[BLAAI OM]

Additional pages Record the number of the Question Have you informed the examiner on the allotted space that you are continuing here?

Ekstra bladsye Nommer die vrae. Het u die eksaminator op die gegewe plek ingelig dat u hier voortgaan?

[TURN OVER]
[BLAAI OM]

PART 1 (GENERAL/ALGEMEEN) DEEL 1

STUDY UNIT e.g. PSY100-X
STUDIE-EENHEID bv PSY100-X

| | |
|---|---|
| 1 | - |
|---|---|

PAPER NUMBER
VRAESTELNOMMER

| |
|---|
| 2 |
|---|

INITIALS AND SURNAME
VOORLETTERS EN VAN

3

DATE OF EXAMINATION
DATUM VAN EKSAMEN

4

EXAMINATION CENTRE (E.G. PRETORIA)
EKSAMENSENTRUM (BV. PRETORIA)

5

| | | | | |
|----------------------------------|-----|-----|-----|-----|
| STUDENT NUMBER STUDENTENOMMER | | | | |
| 6 | | | | |
| e01 | e02 | e03 | e04 | e05 |
| e11 | e12 | e13 | e14 | e15 |
| e21 | e22 | e23 | e24 | e25 |
| e31 | e32 | e33 | e34 | e35 |
| e41 | e42 | e43 | e44 | e45 |
| e51 | e52 | e53 | e54 | e55 |
| e61 | e62 | e63 | e64 | e65 |
| e71 | e72 | e73 | e74 | e75 |
| e81 | e82 | e83 | e84 | e85 |
| e91 | e92 | e93 | e94 | e95 |

| | | | | |
|---------------------------------------|-----|-----|-----|-----|
| UNIQUE PAPER NO UNIEKE VRAESTEL NR | | | | |
| 8 | | | | |
| e01 | e02 | e03 | e04 | e05 |
| e11 | e12 | e13 | e14 | e15 |
| e21 | e22 | e23 | e24 | e25 |
| e31 | e32 | e33 | e34 | e35 |
| e41 | e42 | e43 | e44 | e45 |
| e51 | e52 | e53 | e54 | e55 |
| e61 | e62 | e63 | e64 | e65 |
| e71 | e72 | e73 | e74 | e75 |
| e81 | e82 | e83 | e84 | e85 |
| e91 | e92 | e93 | e94 | e95 |

For use by examination invigilator

Vir gebruik deur eksamenopsiener



IMPORTANT

- 1 USE ONLY AN HB PENCIL TO COMPLETE THIS SHEET
- 2 MARK LIKE THIS
- 3 CHECK THAT YOUR INITIALS AND SURNAME HAS BEEN FILLED IN CORRECTLY
- 4 ENTER YOUR STUDENT NUMBER FROM LEFT TO RIGHT
- 5 CHECK THAT YOUR STUDENT NUMBER HAS BEEN FILLED IN CORRECTLY
- 6 CHECK THAT THE UNIQUE NUMBER HAS BEEN FILLED IN CORRECTLY
- 7 CHECK THAT ONLY ONE ANSWER PER QUESTION HAS BEEN MARKED
- 8 DO NOT FOLD

BELANGRIK

- 1 GEBRUIK SLEGS 'n HB POTlood OM HIERDIE BLAD TE VOLTOOI
- 2 MERK AS VOLG
- 3 KONTROLEER DAT U VOORLETTERS EN VAN REG INGEVUL IS
- 4 VUL U STUDENTENOMMER VAN LINKS NA REGS IN
- 5 KONTROLEER DAT U DIE KORREkte STUDENTENOMMER VERSTREK HET
- 6 KONTROLEER DAT DIE UNIEKE NOMMER REG INGEVUL IS
- 7 MAAK SEKER DAT NET EEN ALTERNATIEF PER VRAAG GEMERK IS
- 8 MOENIE VOU NIE

PART 2 (ANSWERS/ANTWOORDE) DEEL 2

| | |
|----|---------------------|
| 1 | e11 e22 e33 e44 e55 |
| 2 | e11 e23 e33 e44 e55 |
| 3 | e11 e21 e31 e44 e55 |
| 4 | e11 e21 e33 e44 e55 |
| 5 | e11 e23 e33 e44 e55 |
| 6 | e11 e21 e33 e44 e55 |
| 7 | e11 e22 e33 e44 e55 |
| 8 | e11 e21 e33 e44 e55 |
| 9 | e11 e23 e33 e44 e55 |
| 10 | e11 e23 e33 e44 e55 |
| 11 | e11 e23 e33 e44 e55 |
| 12 | e11 e23 e33 e44 e55 |
| 13 | e11 e23 e33 e44 e55 |
| 14 | e11 e23 e33 e44 e55 |
| 15 | e11 e23 e33 e44 e55 |
| 16 | e11 e23 e33 e44 e55 |
| 17 | e11 e23 e33 e44 e55 |
| 18 | e11 e23 e33 e44 e55 |
| 19 | e11 e23 e33 e44 e55 |
| 20 | e11 e23 e33 e44 e55 |
| 21 | e11 e23 e33 e44 e55 |
| 22 | e11 e23 e33 e44 e55 |
| 23 | e11 e23 e33 e44 e55 |
| 24 | e11 e23 e33 e44 e55 |
| 25 | e11 e23 e33 e44 e55 |
| 26 | e11 e23 e33 e44 e55 |
| 27 | e11 e23 e33 e44 e55 |
| 28 | e11 e23 e33 e44 e55 |
| 29 | e11 e23 e33 e44 e55 |
| 30 | e11 e23 e33 e44 e55 |
| 31 | e11 e23 e33 e44 e55 |
| 32 | e11 e23 e33 e44 e55 |
| 33 | e11 e21 e33 e44 e55 |
| 34 | e11 e23 e33 e44 e55 |
| 35 | e11 e23 e33 e44 e55 |

| | |
|----|---------------------|
| 36 | e11 e23 e33 e44 e55 |
| 37 | e11 e23 e33 e44 e55 |
| 38 | e11 e23 e33 e44 e55 |
| 39 | e11 e23 e33 e44 e55 |
| 40 | e11 e23 e33 e44 e55 |
| 41 | e11 e23 e33 e44 e55 |
| 42 | e11 e23 e33 e44 e55 |
| 43 | e11 e23 e33 e44 e55 |
| 44 | e11 e23 e33 e44 e55 |
| 45 | e11 e23 e33 e44 e55 |
| 46 | e11 e23 e33 e44 e55 |
| 47 | e11 e23 e33 e44 e55 |
| 48 | e11 e23 e33 e44 e55 |
| 49 | e11 e21 e33 e44 e55 |
| 50 | e11 e23 e33 e44 e55 |
| 51 | e11 e23 e33 e44 e55 |
| 52 | e11 e23 e33 e44 e55 |
| 53 | e11 e23 e33 e44 e55 |
| 54 | e11 e23 e33 e44 e55 |
| 55 | e11 e23 e33 e44 e55 |
| 56 | e11 e23 e33 e44 e55 |
| 57 | e11 e23 e33 e44 e55 |
| 58 | e11 e23 e33 e44 e55 |
| 59 | e11 e23 e33 e44 e55 |
| 60 | e11 e23 e33 e44 e55 |
| 61 | e11 e23 e33 e44 e55 |
| 62 | e11 e23 e33 e44 e55 |
| 63 | e11 e23 e33 e44 e55 |
| 64 | e11 e23 e33 e44 e55 |
| 65 | e11 e23 e33 e44 e55 |
| 66 | e11 e23 e33 e44 e55 |
| 67 | e11 e23 e33 e44 e55 |
| 68 | e11 e23 e33 e44 e55 |
| 69 | e11 e23 e33 e44 e55 |
| 70 | e11 e23 e33 e44 e55 |

| | |
|-----|---------------------|
| 71 | e11 e23 e33 e44 e55 |
| 72 | e11 e23 e33 e44 e55 |
| 73 | e11 e23 e33 e44 e55 |
| 74 | e11 e23 e33 e44 e55 |
| 75 | e11 e23 e33 e44 e55 |
| 76 | e11 e23 e33 e44 e55 |
| 77 | e11 e23 e33 e44 e55 |
| 78 | e11 e23 e33 e44 e55 |
| 79 | e11 e23 e33 e44 e55 |
| 80 | e11 e23 e33 e44 e55 |
| 81 | e11 e23 e33 e44 e55 |
| 82 | e11 e23 e33 e44 e55 |
| 83 | e11 e23 e33 e44 e55 |
| 84 | e11 e23 e33 e44 e55 |
| 85 | e11 e23 e33 e44 e55 |
| 86 | e11 e23 e33 e44 e55 |
| 87 | e11 e23 e33 e44 e55 |
| 88 | e11 e23 e33 e44 e55 |
| 89 | e11 e23 e33 e44 e55 |
| 90 | e11 e23 e33 e44 e55 |
| 91 | e11 e23 e33 e44 e55 |
| 92 | e11 e23 e33 e44 e55 |
| 93 | e11 e23 e33 e44 e55 |
| 94 | e11 e23 e33 e44 e55 |
| 95 | e11 e23 e33 e44 e55 |
| 96 | e11 e23 e33 e44 e55 |
| 97 | e11 e23 e33 e44 e55 |
| 98 | e11 e23 e33 e44 e55 |
| 99 | e11 e23 e33 e44 e55 |
| 100 | e11 e23 e33 e44 e55 |

| | |
|-----|---------------------|
| 106 | e11 e23 e33 e44 e55 |
| 107 | e11 e23 e33 e44 e55 |
| 108 | e11 e23 e33 e44 e55 |
| 109 | e11 e23 e33 e44 e55 |
| 110 | e11 e23 e33 e44 e55 |
| 111 | e11 e23 e33 e44 e55 |
| 112 | e11 e23 e33 e44 e55 |
| 113 | e11 e23 e33 e44 e55 |
| 114 | e11 e23 e33 e44 e55 |
| 115 | e11 e23 e33 e44 e55 |
| 116 | e11 e23 e33 e44 e55 |
| 117 | e11 e23 e33 e44 e55 |
| 118 | e11 e23 e33 e44 e55 |
| 119 | e11 e23 e33 e44 e55 |
| 120 | e11 e23 e33 e44 e55 |
| 121 | e11 e23 e33 e44 e55 |
| 122 | e11 e23 e33 e44 e55 |
| 123 | e11 e23 e33 e44 e55 |
| 124 | e11 e23 e33 e44 e55 |
| 125 | e11 e23 e33 e44 e55 |
| 126 | e11 e23 e33 e44 e55 |
| 127 | e11 e23 e33 e44 e55 |
| 128 | e11 e23 e33 e44 e55 |
| 129 | e11 e23 e33 e44 e55 |
| 130 | e11 e23 e33 e44 e55 |
| 131 | e11 e23 e33 e44 e55 |
| 132 | e11 e23 e33 e44 e55 |
| 133 | e11 e23 e33 e44 e55 |
| 134 | e11 e23 e33 e44 e55 |
| 135 | e11 e23 e33 e44 e55 |
| 136 | e11 e23 e33 e44 e55 |
| 137 | e11 e23 e33 e44 e55 |
| 138 | e11 e23 e33 e44 e55 |
| 139 | e11 e23 e33 e44 e55 |
| 140 | e11 e23 e33 e44 e55 |

Specimen only

MARK READING SHEET INSTRUCTIONS

Your mark reading sheet is marked by computer and should therefore be filled in thoroughly and correctly

USE ONLY AN HB PENCIL TO COMPLETE YOUR MARK READING SHEET

PLEASE DO NOT FOLD OR DAMAGE YOUR MARK READING SHEET

Consult the illustration of a mark reading sheet on the reverse of this page and follow the instructions step by step when working on your sheet

Instruction numbers ① to ⑩ refer to spaces on your mark reading sheet which you should fill in as follows

- ① Write your paper code in these eight squares, for instance

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| P | S | Y | 1 | 0 | 0 | - | X |
|---|---|---|---|---|---|---|---|

- ② The paper number pertains only to first-level courses consisting of two papers

WRITE

| | |
|---|---|
| 0 | 1 |
|---|---|

 for the first paper and

| | |
|---|---|
| 0 | 2 |
|---|---|

 for the second If only one paper, then leave blank

- ③ Fill in your initials and surname

- ④ Fill in the date of the examination

- ⑤ Fill in the name of the examination centre

- ⑥ WRITE the digits of your student number HORIZONTALLY (from left to right) Begin by filling in the first digit of your student number in the first square on the left, then fill in the other digits, each one in a separate square

- ⑦ In each vertical column mark the digit that corresponds to the digit in your student number as follows
[-]

- ⑧ WRITE your unique paper number HORIZONTALLY

NB Your unique paper number appears at the top of your examination paper and consists only of digits (e.g. 403326)

- ⑨ In each vertical column mark the digit that corresponds to the digit number in your unique paper number as follows [-]

- ⑩ Question numbers 1 to 140 indicate corresponding question numbers in your examination paper. The five spaces with digits 1 to 5 next to each question number indicate an alternative answer to each question. The spaces of which the number correspond to the answer you have chosen for each question and should be marked as follows [-]

- ◆ For official use by the invigilator Do not fill in any information here