



UNIVERSITY OF NAMIBIA

FACULTY	FACULTY OF LAW		
DEPARTMENT	Private and Procedural Law		
SUBJECT	Criminal Procedure		
SUBJECT CODE	LPCP3771		
DATE	JUNE 2020		
DURATION	THREE (3) Hours	MARKS	100

WINTER EXAMINATIONS

Examiner: Ms E Shakalela

Moderator: Mr. E.L.Libebe

This question paper consists of THREE (3) pages, including the cover page.

Instructions:

1. Answer ALL questions.
2. Kindly number the answers appropriately on the front of the answer book in the sequence you have answered them.
3. Please write legibly, to the point and cite authorities where appropriate.
4. Underline all authorities.

SECTION A
ANSWER ALL QUESTIONS

QUESTION 1

(50)

You are a legal aid counsel for the accused. The accused is arrested and charged of murder. On or about 20 April 2020 the accused intentionally and unlawfully caused the death of Kenny Dalglish, at Vambo Beach, Walvis Bay by stabbing the deceased with a Panga Knife. The accused the accused is not properly named in the charge.

1.1 Pursuant to the facts above and reference to relevant sections of the *Criminal Procedure Act 51 of 1977* as Amended (CPA), discuss the essential elements of a charge as well as the circumstances under which an accused may object to a charge. (25)

1.2 The accused has decided to plead guilty to the charge, considering section 106 of the CPA, set out the procedure for a guilty plea and the not guilty plea. (25)

QUESTION 2

(25)

Discuss the procedure for disclosure in terms of the *Criminal Procedure Act 51 of 1977* as Amended.

QUESTION 3

(25)

At the close of the State's case your client wants to bring an application in terms of Section 174 of the *Criminal Procedure Act 51 of 1977* as Amended, with reference to relevant case law and legislature advice your client.

QUESTION 5

With reference to relevant Case law and Sections of the *Criminal Procedure Act 51 of 1977* as Amended discuss the stages the trial procedure.

TOTAL MARKS

100