

**UNIVERSITY OF SWAZILAND  
FACULTY OF SOCIAL SCIENCE**

**DEPARTMENT OF LAW**

**FINAL EXAMINATION PAPER, DECEMBER 2016**

**TITLE OF PAPER: CRIMINAL PROCEDURE**

**COURSE CODE: L 402**

**TIME ALLOWED: THREE (3) HOURS**

**INSTRUCTIONS:**

- 1. ANSWER FOUR (4) QUESTIONS**
- 2. ALL QUESTIONS CARRY EQUAL MARKS**

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GRANTED BY THE INVIGILATOR.**

### **QUESTION ONE**

“The procedure to be followed after the accused pleads guilty to a less serious offence is the same as when an accused pleads guilty to the offence of murder”. Do you agree? Critically evaluate the validity of this statement. Cite authority to support your answer.

(25 Marks)

### **QUESTION TWO**

Outline the criminal jurisdiction of courts in Swaziland. In what way has the law changed since the Constitution of 2005 was passed?

(25 Marks)

### **QUESTION THREE**

In the ordinary course, the Director of Public Prosecutions has an absolute discretion whether or not to institute or continue criminal proceedings and that the court has no power to interfere with such discretion. Discuss.

(25 Marks)

### **QUESTION FOUR**

Mandla Hlope is charged with the murder of his wife-Lucia Hlope. It is alleged that the accused stabbed the deceased with a sharp object in the chest and subsequently burned the body. The prosecution will lead evidence of three witnesses including an eye witness, the pathologist and that of the investigating officer. The accused made a confession to the police. The accused was arrested and detained in custody pending trial. After spending nine months in prison, without the trial resuming, the accused was diagnosed with leukemia. You are Mandla Hlope's attorney, he requests you to help him out of custody in order to

seek medical attention in neighbouring South Africa. Draft the necessary papers to help your client.

(25 Marks)

#### **QUESTION FIVE**

Compare and contrast appeal and review proceedings in a criminal trial.

(25 Marks)