

**UNIVERSITY OF SWAZILAND**  
**FACULTY OF SOCIAL SCIENCE**  
**SUPPLEMENTARY EXAMINATION, JULY 2018**

**TITLE OF PAPER:** THE LAW OF EVIDENCE  
**COURSE CODE:** L302  
**TIME ALLOWED:** 3 hours  
**INSTRUCTIONS:** ANSWER ANY FOUR (4) QUESTIONS

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THE INVIGILATOR**

### **Question 1**

Your client is on trial for theft. The eye witness for the prosecution is a 13 year old boy who tells the court he saw your client committing the offence with which he is charged. The boy further tells the court your client is notorious in the area where the offence was committed as he has a tendency to break into people's houses whilst they are fast asleep.

The Magistrate calls upon you to address her on whether or not this testimony is admissible.

[25 marks]

### **Question 2**

- (a) According to *S v Shabalala*, what is the correct approach in evaluating evidentiary matter?

[10 marks]

- (b) Fully discuss the case of *R v Blom* and place it in its relevant context.

[10 marks]

- (c) Define corroboration and render a comprehensive discussion of the same in relation to confirmation of a confession.

[5 marks]

### **Question 3**

- i. Define a presumption and provide a simple example [6.25 marks]
- ii. Describe the stages for application of a presumption [6.25 marks]
- iii. Distinguish between a presumption and circumstantial evidence [6.25 marks]
- iv. With reference to relevant case law, discuss whether, in your own opinion, there is a proper relationship between a presumption and the onus of proof. [6.25 marks]

#### **Question 4**

What is the main reason why the evidence about the behaviour of the police dog was not admitted in *R v Trupedo*.

**[25 marks]**

#### **Question 5**

Summarise the legal principles relating to the privilege against self-incrimination, as they appear from *Magmoed v Janse van Rensburg*.

**[25 marks]**