

CRIMINAL LAW

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TUTORIAL 5: **PAST EXAM PAPER QUESTION**

Summer is part of a pagan sect that believes in numerology. The sect lives in a small village and believes that the number 436 signifies the ultimate balance. When this balance is reached, the community lives free from violence and sin, as such, the population in this pagan village does not exceed 436. When a child is born or a visitor settles in the village, one of the residents is chosen as a sacrifice to the pagan gods to restore the order. This is seen as the highest honour that can be bestowed on an individual during his or her lifetime and the sect members submit to this voluntarily.

Summer is pregnant and engaged to Andy who is from the City. 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.

When Andy travels to the remote village to meet Summer's family, they naturally believe that he will be settling there to create a home with Summer and their child. In celebration of the new additions to the village, the elders pick Maya and Falcon to be sacrificed. Maya is deeply religious and the daughter of the most respected elder. She is honoured to be chosen as the sacrifice and has resigned herself to her fate. 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 crazy.

Traditionally, the sacrifice takes place at a special festival and must be performed at the hands of the new addition to the village. As such, once the village toasts Andy's arrival and his engagement to Summer, he is handed a butcher's knife and Maya and Falcon are brought out on altars 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 in order to restore the sacred balance.

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 murder of Maya. In particular, advise what defences Andy might raise.
- (b) Consider Falcon's liability for his assault on Andy. What defences might he raise?

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Sentencing Rape Graeme Brown, 2020-05-14 This book presents an in depth comparative study of sentencing practice for rape in six common law jurisdictions England and Wales Scotland Ireland Canada New Zealand and South Africa It provides a thorough review of the medical literature on the physical and psychological effects of rape the legal and philosophical literature on the seriousness of the offence and the victim's role in sentencing Given the increasingly common practice of perpetrators using mobile and online technologies to film or photograph the commission of sexual offences the book examines recent socio legal research on technology facilitated sexual violence and considers the implications for sentencing By building on recent scholarship on judicial decision making in sentencing and case law comprising over 250 decisions of the relevant appellate courts the book explores and critically analyses judicial approaches to rape sentencing The analysis is undertaken with a view to suggesting possible reforms to rape sentencing in non guideline jurisdictions In so doing this book seeks to establish general principles for sentencing rape assisting in the imposition of proportionate sentences This book will be of interest to judges and practising lawyers to those researching criminal law criminal justice criminology and gender studies and to policy makers including sentencing councils and commissions in common law jurisdictions worldwide

Essentials of Community Corrections Robert D. Hanser, 2018-01-03 Essentials of Community Corrections offers students a concise and practical perspective on community corrections while emphasizing successful offender reentry through strong community partnerships Author Robert D Hanser draws on his expertise with offender treatment planning special needs populations and the comparative criminal justice fields to present a complete introduction to community corrections today A variety of practical pedagogical tools offer students insights into the daily lives of those working in the field encouraging students to start thinking like practitioners Key Features What Would You Do assignments give students the chance to apply what they have learned by analyzing real world scenarios to determine the best course of action for common challenges in community supervision Applied Theory inserts throughout the book provide a focused application of a specific theory to particular issues in community corrections Cross National Perspective boxes demonstrate common themes in community corrections around the world as well as different approaches used in other countries Applied Exercises encourage students to reflect on their understanding of each chapter's content and to demonstrate their competence in using the information techniques and processes that they have learned Food for Thought features at the end of each chapter guide students through a recent research study related to community corrections and include follow up questions to help students think critically Sharing Your Opinion questions at the end of each chapter empower students to express their own views on the issues covered in the text The free open access Student Study site features carefully selected video links access to SAGE journal articles and more Instructors *Cobbett's Parliamentary Debates* Great Britain. Parliament, 1879 *Victimology* Rejani Thudalikunnil Gopalan, 2022-10-27 The term victim refers to a person harmed injured

or killed as a result of a crime accident or other event or action Victimology focuses on the victimization in terms of psychological effects impact on criminal justice system and new policies and it is a major aspect in the area of forensic field Victimization can occur due to abuse assault maltreatment war terrorism crimes and it can happen in different settings like home school and public In the past more emphasis was given to perpetrators and various theories tried explain the behavior of perpetrator and their offences Recently researchers started focusing different aspects of victimology and explored risk factors for becoming victim reasons for repeated victimization and forensic psychological and social dimensions of victims and consequences of victimization But there is a need for new theories and researches to have more thorough understanding of victimization The field of criminology dealt with crimes and various theories has developed to explain why crime occurs and more focused on perpetrators A crime involves perpetrator and victim and not much attention has been given to the victim until recently What happens to a victim what are the psychological and social consequences of a harmful act to a victim vulnerabilities to become a victim are getting serious attention now a days and started influencing the criminal justice system The psychological and social impacts of victimization may be a short or long duration but the impacts cannot be ignored The legal remedies and psychological healings are important aspects of victimization While considering these factors the book would be focusing on origin and scope of victimology different types of victimization such as sexual abuse domestic violence maltreatment cyber crimes war and terrorism natural calamities victimization at school and work place human trafficking crime against persons crime against property white collar crime elder abuse victim with disabilities secondary victim and re victimization and its psychological impacts and related issues The book would also focus on victimology and forensic factors and its influence on criminal justice system in addition to the psychological management of victimization

Hansard's Parliamentary Debates Great Britain. Parliament,1879 **The Legal Regulation of Cyber Attacks**

Ioannis Iglezakis,2016-06-01 Modern societies are to a great extent dependent on computers and information systems but there is a negative side to the use of information and communication technology the rise of a new kind of criminality not traditionally addressed by the law Technological developments and the changing nature of cybercrime itself force legislators to deal with new objects and redefine concepts Taking into account legislative and case law developments this book provides a thorough analysis of the legal regulation of attacks against information systems in European international and comparative law contexts It covers legal issues not only pertaining to attacks arising in criminal law but also such crucial problems as the conflict of cybercrime investigation and prosecution with fundamental rights to privacy and freedom of expression The authors in depth response to doctrinal and practical issues related to the application of cybercrime regulation include such elements issues and aspects as the following legal harmonization of cybercrime law jurisdictional issues in the investigation and prosecution of cybercrime prevention of cyber attacks personal data and privacy implications hacking of cell phones enforcement and forensics in cybercrime law states and legal persons as perpetrators of cybercrime European Programme

for Critical Infrastructure Protection Cybercrime Convention of 2001 Directive 2013 40 EU identity theft the Snowden revelations and their lessons principles problems and shortcomings of digital evidence legal status of the IP address the security and data breach notification as a compliance and transparency tool profile and motivation of perpetrators of cyber attacks cybercrime as a parallel economy and use of crypto currency as a means for blackmail operations Technical definitions case law and analysis of both substantive law and procedural law contribute to a comprehensive understanding of cybercrime regulation and its current evolution in practice Addressing a topic of growing importance in unprecedented detail this book will be welcomed by professionals and authorities dealing with cybercrime including lawyers judges academics security professionals information technology experts and law enforcement agencies *Hansard's Parliamentary Debates* ,1879 Shareholder Remuneration and the Law Xuedan Xiong,2025-06-30 This book discusses the mechanism of shareholder distribution restriction for creditor protection through an interdisciplinary lens Identifying an optimal model of shareholder distribution regimes through a comparative study of the UK and China the book explores how these regimes can function as a creditor protection mechanism by which distributions to shareholders are regulated to safeguard creditor interest Calls for regulatory reforms in China have sprung from a high volume of shareholder distribution related litigations with inconsistent court decisions Meanwhile the UK adopts two models concurrently capital maintenance rules for public companies and solvency tests for private companies This book critically evaluates the efficacy of these two models in addressing the fundamental interest of company creditors namely the solvency of the company following distribution Guided by legal transplant theories this book examines the fit and feasibility of transplanting the UK s distribution models to China The book will be of interest to researchers students and practitioners in the field of company law finance law accounting and banking law The Parliamentary Debates Great Britain. Parliament,1879 **Parliamentary Debates** ,1879

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Table of Contents Matric Exam Paper Sa Criminal Law 2014

1. Understanding the eBook Matric Exam Paper Sa Criminal Law 2014
 - The Rise of Digital Reading Matric Exam Paper Sa Criminal Law 2014
 - Advantages of eBooks Over Traditional Books
2. Identifying Matric Exam Paper Sa Criminal Law 2014
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Matric Exam Paper Sa Criminal Law 2014
 - User-Friendly Interface
4. Exploring eBook Recommendations from Matric Exam Paper Sa Criminal Law 2014
 - Personalized Recommendations
 - Matric Exam Paper Sa Criminal Law 2014 User Reviews and Ratings
 - Matric Exam Paper Sa Criminal Law 2014 and Bestseller Lists
5. Accessing Matric Exam Paper Sa Criminal Law 2014 Free and Paid eBooks
 - Matric Exam Paper Sa Criminal Law 2014 Public Domain eBooks
 - Matric Exam Paper Sa Criminal Law 2014 eBook Subscription Services
 - Matric Exam Paper Sa Criminal Law 2014 Budget-Friendly Options
6. Navigating Matric Exam Paper Sa Criminal Law 2014 eBook Formats
 - ePub, PDF, MOBI, and More
 - Matric Exam Paper Sa Criminal Law 2014 Compatibility with Devices
 - Matric Exam Paper Sa Criminal Law 2014 Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Matric Exam Paper Sa Criminal Law 2014
 - Highlighting and Note-Taking Matric Exam Paper Sa Criminal Law 2014
 - Interactive Elements Matric Exam Paper Sa Criminal Law 2014

8. Staying Engaged with Matric Exam Paper Sa Criminal Law 2014
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Matric Exam Paper Sa Criminal Law 2014
9. Balancing eBooks and Physical Books Matric Exam Paper Sa Criminal Law 2014
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Matric Exam Paper Sa Criminal Law 2014
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Matric Exam Paper Sa Criminal Law 2014
 - Setting Reading Goals Matric Exam Paper Sa Criminal Law 2014
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Matric Exam Paper Sa Criminal Law 2014
 - Fact-Checking eBook Content of Matric Exam Paper Sa Criminal Law 2014
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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