



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 19 March 2009

Status: Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

DOCTOR MNISI v THE STATE

The SCA, by a majority, reduced the sentence of 8 years' imprisonment for murder imposed on the appellant by the magistrate and confirmed by the Johannesburg High Court.

When he shot the deceased the appellant was acting with diminished responsibility. The deceased and the appellant's wife had been involved in an adulterous relationship which she had undertaken to terminate. The appellant came across them kissing in a vehicle. He temporarily lost control of his inhibitions, drew his pistol and shot the deceased on the spur of the moment.

The majority of the court considered that sentence overemphasised the element of deterrence and reduced it to 5 years imprisonment.

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