



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: 29 May 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.

Today, the Supreme Court of Appeal (the SCA) has set aside a judgment of the Pietermaritzburg High Court which confirmed the conviction of murder against a teenager.

The appellant who was 13 years at the time the offence was committed, had quarrelled with a 14-year-old boy and stabbed him once in the chest with a knife. The next day the appellant appeared before a regional court charged with murder. He pleaded guilty and was convicted on the basis of his plea of guilty and sentenced to 8 years' imprisonment. An appeal to the high court succeeded on sentence only and the matter was remitted to the trial court to pass a new sentence. It sentenced him to 3 years' imprisonment wholly suspended for 5 years on certain conditions.

On a further appeal to the SCA it was argued on the appellant's behalf that the statement he made to the trial court and on which that court relied for convicting was deficient, in that it did not satisfy the requirements of s 112(2) of the Criminal Procedure Act 51 of 1977. The statement had failed to admit that the appellant had matured to the level that he could be held criminally liable. In law a child below the age of 13 years is regarded as not criminally liable unless the prosecution can show that it is liable.

Having considered the statement the SCA concluded that it indeed failed to comply with s 112(2) and set aside the conviction.