



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: 27 November 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.*

**A E STEYN v THE STATE**

The appellant was tried in the High Court, Port Elizabeth, on a charge of murder rising out of an incident that occurred on 9 February 2007 when she shot and killed her former husband who was in the process of attacking her. The trial court concluded that she had acted negligently and unlawfully in that she had armed herself with a firearm before placing herself in a position of danger, well appreciating that the deceased might attack her and, if he did so, she might be compelled to shoot. The appellant was therefore convicted of culpable homicide.

On an appeal to the Supreme Court of Appeal, it was held that the appellant had not acted unlawfully on the evening in question and had been entitled to act to defend herself against the deceased who was armed with a knife and whose stated intention was to kill her. In the light of the particular circumstances of the case, the Supreme Court of Appeal found that the appellant could not be faulted for not having fired a warning shot or for failing to flee to her bedroom. It concluded that her action in shooting the deceased had not been unlawful and that she should not have been convicted of culpable homicide.

In the result, the Supreme Court of Appeal upheld the appeal and set aside the appellant's conviction and sentence.