



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: 31 March 2010

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.

MAVANGWANA v THE STATE

The appellant was convicted of murder and attempted murder in the Western Cape Regional Court and was sentenced to 15 and seven years imprisonment respectively. The sentences were ordered to run concurrently. The state had led the evidence of the only witness to the incident, and the complainant in the attempted murder charge, as well as two policemen whilst the appellant testified on his own behalf and called no witnesses. An appeal to the Western Cape High Court failed but the appellant was granted leave to appeal to the Supreme Court of Appeal.

The principal issue in the trial and in the appeal was the reliability of the evidence of the eyewitness in identifying the appellant as the person who had shot and killed the deceased and attempted to kill the complainant on this charge.

Today the Supreme Court of Appeal dismissed the appeal. It reasoned that the trial court and the high court were justified in accepting the evidence of identification and in finding same to be reliable. The evidence in this regard was that the complainant in the attempted murder charge had seen the appellant on two occasions before the day of the incident and had seen him on two further occasions earlier on the day of the incident, one of which was shortly before the shooting incident. It was also found that he had had an adequate opportunity to

identify the appellant when the latter shot him in the month from a distance of two to three metres.