



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 May 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*

**GERHARD SMIT**

**versus**

**THE STATE**

The appellant was convicted in a regional court of both the rape and the attempted rape of a 16 year old girl, for which he was sentenced to an effective period of ten years' imprisonment.

The appellant appealed unsuccessfully to the North Gauteng High Court, but was later granted leave by the Supreme Court of Appeal to argue an application for leave to appeal.

The Supreme Court of Appeal today granted the appellant leave to appeal, enrolled the appeal and set aside the appellant's convictions and sentences. In doing so it concluded that the complainant's version of the event was improbable and unsatisfactory, that there was grave doubt as to whether she had told the truth, and that the appellant's version could reasonably possibly be true. The appeal was therefore upheld.