



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: 28 March 2013
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.

Toya-Lee Van Wyk & another v The State

The Supreme Court of Appeal (SCA) today upheld an appeal against the conviction of the appellant of murder in the Western Cape High Court, Cape Town. The 15 year old appellant was in a group of persons some of whom were responsible for killing Carmen Charmaine Kamies.

The appellant was convicted on the basis of common purpose in that he made common cause with the perpetrators of the murder. The SCA found that in the absence of evidence which demonstrated that he had made such common cause with the perpetrators of the murder, the inference that the appellant had associated with the group's murderous actions by his mere presence was not the only reasonable inference which could be drawn in the circumstances and was unjustified.

The SCA concluded that the appellant ought not to have been convicted and set aside the conviction and sentence.