



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

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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.

McLaggan v The State (084/13) [2013] ZACSA 92 (June 2013)

The Supreme Court of Appeal (SCA) today dismissed an appeal from the Eastern Cape High Court, Grahamstown against a conviction of Iain Cameron McLaggan on one count of rape.

The complainant, a British national, is a brain tumour survivor. She travelled to South Africa and commenced a wildlife programme at Shamwari Game Reserve in April 2010. The appellant was one of those to whom she was entrusted at the reserve.

The treatment for the brain tumor caused a hormonal imbalance and the complainant consequently became susceptible to stress related reactions. As a result of consuming wine during a night out with fellow students and the appellant, she suffered seizures which rendered her unconscious at the time. The appellant returned to her room to which he had earlier carried her and raped her whilst she was recovering.

In sentencing the appellant, the trial court found substantial and compelling circumstances which allowed it to deviate from the prescribed minimum sentence for this rape and it imposed a sentence of 8 years' imprisonment. The State appealed against this finding.

The SCA upheld the appeal by the State and found that no such substantial and compelling circumstances existed. The effect thereof was that the prescribed minimum sentence had to be imposed. The sentence was therefore altered to 10 years' imprisonment.