



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal
DATE 20 March 2014
STATUS Immediate

Please note that the media summary is for the benefit of the media and does not form part of the judgment.

Madiba v The State (497/2013) [2014] ZASCA 13 (20 March 2014)

Media Statement

The appellant appealed against his conviction for the rape of a three year old child and the attempted rape of her mother. He also appealed against the sentences imposed for the kidnapping and murder of the child. The SCA dismissed the appeal against the convictions, but reduced the sentences imposed in respect of the convictions for attempted rape and kidnapping. The sentence of life imprisonment imposed for the rape of the child was confirmed. The SCA expressed the view that a sentence of life imprisonment and not one of 35 years' imprisonment should have been imposed for the murder of the child. However, in the absence of an appeal by the State against this sentence, it was powerless to intervene. The SCA also expressed concern at the disturbing tendency on the part of the State not to call a doctor who performed a post mortem report or performed an examination, to give evidence. This evidence could play a vital role in the just determination of a case.

--- Ends ---