



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: 30 May 2008

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

DIRECTOR OF PUBLIC PROSECUTIONS: TRANSVAAL

V

PHILLIPUS JACOBUS VENTER

The Supreme Court of Appeal (SCA) today upheld an appeal by the Director of Public Prosecutions against an effective sentence of 10 years' imprisonment imposed on the respondent by the Nelspruit Circuit Court (the trial court). The respondent had been convicted amongst others of the attempted murder of his wife and the murders of his five and four year daughter and son respectively. He had also attempted to commit suicide after committing the offences by cutting his wrists.

The trial court had, in imposing the 10 year sentence, found that the respondent was undergoing severe stress, relating to rape and murder charges he was facing in Burundi, aggravated by alcohol intake and advances made on his wife by a fellow officer. The Supreme Court of Appeal found that the trial court had, in sentencing the respondent as it did, over emphasized his personal circumstances.

The Supreme Court of Appeal found that this was the type of matter where the respondent's personal circumstances were outweighed by society's need for retribution and deterrence. In this regard the Supreme Court reasoned that properly considered the offences committed by the respondent warranted a life sentence but taking into account the nature of his personal situation it would be unjust to impose that sentence. The court consequently set aside the 10 year sentence imposed by the trial court and substituted a sentence of 18 years in its stead.