



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: 2 June 2008

Status: Immediate

P LANGEVELDT v THE STATE

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

In a judgment delivered today, the Supreme Court of Appeal dismissed the appellant's appeal against his conviction of culpable homicide. The appellant, a 49-year old man, was convicted in the Stellenbosch Regional Court on 22 July 2002 of culpable homicide arising from the negligent or reckless driving of a motor vehicle. Three members of the Douglas family (husband, wife and daughter), who were in the car driven by Mr Douglas died in the accident.

The appellant contended that Mr Douglas (who was also killed) caused the accident by having swerved into appellant's path and back into his (the deceased's) correct side of the road where the collision took place. Appellant maintained Mr Douglas caused a 'sudden state of emergency' which resulted in the appellant making the wrong choice and thus causing the accident.

In dismissing the appeal the SCA pointed out that the conclusion of the regional magistrate, with which the High Court agreed, was based largely on

factual and credibility findings emanating from the evidence of various State witnesses and the discredited evidence of the appellant. The SCA found that Mr Douglas kept to his correct lane throughout and that the appellant, who had driven dangerously over some distance, drove directly into the path of Mr Douglas, recklessly causing the head-on collision that claimed the lives of the aforesaid Douglas family, from which only a fourth member survived.

(Appellant did not appeal against his three years imprisonment sentence).