



SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal
DATE 24 November 2017
STATUS Immediate

*The Director of Public Prosecutions, Gauteng v Oscar Leonard Carl Pistorius
(950/2016) [2017]*

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.

The Supreme Court of Appeal (the SCA) today upheld an appeal by the Director of Public Prosecutions, Gauteng and set aside the sentence imposed by the Gauteng Division of the High Court, Pretoria. On appeal the sentence of six years' imprisonment imposed by the court a quo on the respondent on the conviction of murder was increased to 13 years and five months' imprisonment.

The issue before the SCA was whether the sentence of six years' imprisonment imposed by the court a quo on the respondent for the murder of Miss Reeva Steenkamp (the deceased) was disturbingly inappropriate and whether there were material misdirections which entitled the SCA to interfere.

The respondent, Mr Oscar Leonard Carl Pistorius, was born with a congenital abnormality affecting both his legs which he, before his first birthday, had to have surgically amputated. As a result of the amputation he had to rely on prosthetics. In the early hours of 14 February 2013, the respondent heard the sound of a window opening in the bathroom which was situated not too far from the bedroom. Upon hearing the sound of a window opening he thought that there was an intruder who had entered the house through the bathroom window. He went back to his bedroom and retrieved his 9 mm pistol from where he kept it under the bed. Armed with his pistol and without his prosthetic legs he went towards the bathroom. He peeped in the bathroom and noticed that there was no one in the bathroom itself but that the toilet door was closed. The respondent then heard a noise emanating from inside the toilet cubicle and he immediately fired four shots at the door killing the deceased. It was common cause that the respondent did not fire a warning shot and his explanation was that he elected not to fire a warning shot as he thought that if the bullet ricocheted it might harm him.

The SCA upon an evaluation of all the facts and circumstances held that there were various contradictions in the respondent's evidence as to why he shot at the toilet door that evening, he offered no explanation for having fired the fatal shots through the door once he became aware that there was a person inside the toilet cubicle.

The SCA found further that the court a quo court over emphasised the personal circumstances of the respondent and misdirected itself in its assessment of an appropriate sentence. The SCA held in addition that the court a quo seemed to have given rehabilitation undue weight as against the other purposes of punishment being prevention, deterrence and retribution.

The SCA concluded that the respondent when initially sentenced for murder should have been sentenced to 15 years imprisonment but should receive credit for those periods of imprisonment and the correctional supervision already served and therefore sentenced the respondent to a period of 13 years and five months' imprisonment, calculated as from 6 July 2016 which latter date is the date on which the court aquo sentenced him to 6 years imprisonment.

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