



**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:** 3 OCTOBER 2022

**Status:** Immediate

***The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal***

*Classen & Another v The State* (803/21) [2022] ZASCA 130 (03 October 2022)

---

Today the Supreme Court of Appeal (SCA) handed down judgment and upheld an appeal against the decision of the Gauteng Division of the High Court of South Africa, Johannesburg (the high court).

The two appellants, namely Mr Classens (first appellant) and Mr Jansen (second appellant), were charged and later convicted of three counts of murder, unlawful possession of a firearm and unlawful possession of ammunition. They were each sentenced to life imprisonment for the murder and five and two years' imprisonment in respect of counts two and three.

On 18 March 2017 the deceased, Mr Daniel Smith was shot and killed at Ennerdale. The deceased and Mr Wesley were passengers in Mrs Shortridge's car. The deceased was seated on the right rear passenger seat and Mr Wesley in the front passenger seat. Whilst they were driving on Town Road, a blue Volkswagen Golf motor vehicle drove next to them. The passenger of the Golf shot at the deceased. Mrs Shortridge stopped her car near a taxi rank and sought refuge behind a taxi. The driver of the Golf alighted and shot the deceased twice. Two days later Mrs Shortridge made a statement in which she implicated the two appellants as the assailants. They were subsequently arrested and charged. During the trial she disavowed the statement and stated that she was put under pressure by the deceased's family and friends and the community at large to implicate the two appellants.

Despite the contradiction between her statement and testimony, the high court considered her statement as valid and substantial to the case and as a result convicted the appellants based on that statement. The appellants appealed to the SCA.

This Court found that the high court erred in convicting them based on the recanted statement because she was probably pressurized and the other witness was unreliable. The SCA also rejected Mr Shortridge's testimony with regard to what his wife, Mrs Shortridge told him at the crime scene. The SCA found that the required standard of prove in a criminal case – beyond reasonable doubt – was not met.

As a result, the SCA held that, the order of the high court convicting the appellants be set aside and replaced with an order acquitting both of the appellants on all three counts.

~~~~ends~~~~