

THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA
MEDIA STATEMENT – CASE HEARING IN SUPREME COURT OF APPEAL

S v Hammond

Supreme Court of Appeal -500/03

Hearing date: 23 August 2004

Judgment date: 3 September 2004

Evidence - sexual misconduct cases - the purpose for which evidence of a first report in a sexual misconduct case may be used, analysed and defined.

Media Summary of Judgment

From: The Registrar, Supreme Court of Appeal

ANGELO HAMMOND v THE STATE

The Supreme Court of Appeal today handed down judgment in the above case upholding the appellant's appeal against his conviction of rape by a magistrate. The court found that the reliance by the magistrate on the fact and contents of a report made by the complainant to third persons that she had been raped, was a misdirection.

The magistrate found that it was unlikely that the complainant would have agreed to sexual intercourse, and then have accused the appellant of rape. The court held that although the emotional state of the complainant was admissible in evidence to prove absence of consent, the report could not be used for this purpose.