

Supreme Court of Appeal of South Africa

MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPREME COURT
OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date:

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

HEINRICH GENTLE v THE STATE

[1] Last week the Supreme Court of Appeal upheld the appeal of Mr Heinrich Gentle for multiple rape committed in Matjiesrivier on 31 January 1999. He was released from the Groot Drakenstein prison the same afternoon.

[2] Gentle was convicted on 4 October 2000 by the regional court, Outdtshoorn. The Cape high court on circuit sentenced him to fifteen years' imprisonment on 12 November 2001. His appeal to the full court of the Cape high court was struck off the roll because the judge who sentenced him wrongly considered that no leave to appeal against conviction was required, and it was. Without leave, the appeal could not

be heard by the full court. Gentle then approached the SCA. The SCA held that as the judge had said he would have refused leave to appeal the SCA could itself grant leave and hear the appeal and did so.

[3] In reasons furnished this morning, the SCA said that the magistrate had misdirected himself in material respects; that the complainant's evidence was unreliable and uncorroborated on all except one point, and was contradicted by other evidence; and that the appellant's guilt was not proved.

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