Supreme Court of Appeal of South Africa

MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 28 September 2007

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

SCOTT-CROSSLEY v S [2007] SCA 127 (RSA).

1.   The SCA today unanimously upheld the appeal of Mr Scott-Crossley against his conviction for murdering Mr Oupa Chisale whom he admitted throwing into the lion enclosure at the Mokwalo game park. The court found that the prosecution had not proved beyond a reasonable doubt that the deceased was alive when this was done. As Scott-Crossley had assisted in the disposal of the deceased's body with the intention of concealing the murder, perpetrated by at least one of his employees, a conviction of being an accessory after the fact to murder was substituted.

2.   The court remarked that there was a vast difference between throwing an injured man to the lions with the intention that they devour him whilst he is still alive, and disposing of a dead body to conceal a murder that has already taken place. The sentence of life imprisonment

imposed for the murder was set aside and five years' imprisonment substituted for the lesser offence.

3.   The SCA found that the trial court had misdirected itself on the facts and the law. In particular, the evidence led by the prosecution was unreliable as the eyewitnesses were accomplices and they had contradicted themselves and each other. In the opinion of the SCA the panga wounds inflicted on the deceased by Scott-Crossley's co-accused, Mr Doctor Mathebula and Mr Simon Mathebula, earlier in the day when he was not present, could reasonably have caused the deceased's death before he was transported to the lion park by Scott-Crossley and one of his co-accused that night.

4.   Simon Mathebula, who was convicted of murder and sentenced to an effective twelve years' imprisonment, did not appeal against either his conviction or sentence.

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