

SUPREME COURT OF APPEAL OF SOUTH AFRICA

**MEDIA SUMMARY – JUDGMENT DELIVERED IN THE
SUPREME COURT OF APPEAL**

**DAVID ASHLEY PRICE/MINISTER OF CORRECTIONAL SERVICES CASE
NO 511/2006**

From : The Registrar, Supreme Court of Appeal

Date: 28 November 2007

Status: Immediate

Please note that the media summary is for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

Mr David Price was sentenced to 15 years imprisonment for fraud in 2000. After serving four and a half years he launched proceedings in the Port Elizabeth High Court to review the decision of the prison authorities that he was not yet eligible to be considered for possible reference back to the trial court in terms of section 276A(3)(a)(ii) of the Criminal Procedure Act to have his sentence converted into correctional supervision or for the imposition of another appropriable sentence. The application turned on the correct meaning of 'date of release' in that section. The High Court rejected Price's interpretation of the section but granted him leave to appeal.

On appeal, the SCA upheld the interpretation of the section for which Price contended but in the meantime on 2 October 2006 he had been released on parole. The court held that the provisions in the Act relating to the conversion of

imprisonment into correctional supervision or the imposition of another sentence applied only to prisoners and not to a person released on parole.

Although the judgment did not benefit Price, the SCA nonetheless awarded him his costs of appeal. The court referred to the fact that his interpretation of the section had been upheld and that he had had to proceed with his appeal in order to have the costs order against him reversed.

--- ends ---