

Supreme Court of Appeal of South Africa

MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPREME COURT
OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 30 NOVEMBER 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

ALEXANDER GEORGE WHITEHEAD & OTHERS v THE STATE

1. Appellants were part of a group of white persons that perpetrated a racist attack against black workers and black citizens of the town of Kuruman. Mr Gaoretelwe Adam Brown was killed during the attacks. The appellants were convicted of public violence and of culpable homicide in the regional magistrate's court.

2. The appellants were sentenced to an effective eight years' imprisonment. They appealed against the conviction on the count of culpable homicide and the sentence imposed on the count of public violence.

3. The basis of the appeal was that there was no causal connection between the deeds of the appellants and the death of the deceased and that the State had failed to prove negligence on their part. It was also contended later that there had been a duplication of convictions. It was

contended that after convicting the appellants of public violence, part of which involved the act that resulted in the death of the deceased, the magistrate was not entitled to proceed thereafter to convict them of culpable homicide.

4. It was unanimously held that on the facts a conviction of culpable homicide was justified. The majority of the court held that there had been no duplication of convictions and that the sentences were appropriate — the attacks had been arrogant in the extreme and had incited terror in the black citizens of the town. Men, women and the elderly had all been targets.

5. Two members of the court held that there had indeed been a duplication of convictions and that the conviction of culpable homicide had to be set aside.

6. The appeal was dismissed.

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