



REPUBLIC OF SOUTH AFRICA

SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal
DATE 18 September 2008
STATUS Immediate

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

LE GRANGE v THE STATE
Case No (040/2008) [2008] ZASCA 102 (18 September 2008)

Media Statement

Today the Supreme Court of Appeal (SCA) upheld an appeal by Joseph le Grange (the first appellant), his son Pieter (the third appellant) and the latter's friend Hendrik van der Westhuizen (the second appellant). The first appellant had been convicted of murder and sentenced to imprisonment for a term of 24 years by the Kimberley High Court, whilst the other two had been convicted of being accessories after the fact to murder and sentenced to imprisonment for terms of 6 and 5 years, respectively.

What gave rise to their convictions was the following incident. During the course of the early evening of Sunday, 24 March 2004, the three appellants, whilst out for a stroll, observed the deceased Biron Phetlo and his friend Curtis Maritz, attempting to steal goods out of a sports shop in Stewart Street, Prieska. According to evidence adduced by Curtis, when they were confronted by the appellants, the deceased attempted to flee, but was prevented from doing so by the first appellant who pinned him back with a walking stick that had been described in the evidence as a sword cane. The appellant then succeeded in unsheathing the blade from the sword cane and stabbed the deceased three times in quick succession. The three appellants then fled. Later that evening, the deceased died in hospital. All three of the appellants were indicted on one count of murder.

In upholding the appeal, the SCA did not consider the merits of the matter, it, instead focussed on certain irregularities that had allegedly occurred during the course of the trial. It found that the appellants did not have a fair trial. The SCA accordingly concluded that the proceedings were invalid and that the convictions and sentences imposed on the appellants could not stand. It thus upheld the appeal, set aside the convictions and sentences and remitted the matter to the High Court with a direction that proceedings in respect of the same offence may again be instituted either on the original charge, suitably amended where necessary, or upon any other charge as if the appellants had not previously been arraigned, tried and convicted, provided that the Judge before whom the original trial took place shall take no part in such further proceedings.

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