



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal
Date: 31 August 2011
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

LES FLOYD SCOTT v THE STATE (473/10) [2011] ZASCA 121 (31 AUGUST 2011)

The Supreme Court of Appeal today dismissed an appeal brought by Mr Les Floyd Scott but upheld those of Messrs Lawrence and Jeremy Beaton against the judgment of the KwaZulu-Natal High Court, Pietermaritzburg in which Judges Gorven and Luthuli, sitting as a court of appeal, confirmed their convictions and sentences imposed by the Durban Regional Court for the murder of Mr Franktel Mostert (the deceased) and the attempted murder of Mr Conrad Meyer.

The regional magistrate had found, (a) on the basis of the evidence of state eyewitnesses and Dr Bana, the pathologist who conducted the post-mortem examination on the deceased, that contrary to Scott's evidence, it was him and not Mr Praveen Singh (his co-accused who was similarly convicted and sentenced but did not appeal) stabbed the deceased to death and (b) that Singh stabbed Meyer and caused his nearly fatal injury. The Supreme Court of Appeal upheld these findings and approved the magistrate's decision to convict Scott of the attempted murder count on the basis of the doctrine of common purpose. But the Supreme Court of Appeal found that the cumulative effect of the sentences imposed on Scott for the two offences – he was sentenced to 15 years imprisonment for the murder and 7 years imprisonment for the attempted murder – was too harsh considering his young age of 20 at the material time and his capacity for reform. The sentences were thus ordered to run concurrently. The Supreme Court of Appeal set aside the convictions and sentences of the Beaton brothers, who were convicted on the basis of common purpose, because there was no evidence proving that they associated themselves with the commission of the offences apart from the fact that they were with Scott and Singh when the offences were committed.

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