



THE 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 September 2014

STATUS Immediate

D[...] S[...] v The State (769/2013)

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

Today the Supreme Court of Appeal (SCA) upheld an appeal on one count of indecent assault, while dismissing the other.

The high court had confirmed the regional court's convictions on indecent assault and had ordered the appellant to serve an effective term of seven years' imprisonment with the sentences running concurrently.

The SCA concluded that although the complainant had been 12 years' old at the time when she gave evidence and six years' old when the incidents occurred, her evidence could be accepted because the sensory information in her testimony could not have been imparted unless the incident had taken place as she described. Furthermore, the evidence of the forensic social worker, which entailed extensive psychological testing, provided objective corroboration of the complainant's testimony.

The court concluded it could not safely confirm the conviction on the first count but could do so on the second. As the sentence on the first count had been ordered to run concurrently with that on the second, the outcome of the appeal did not affect the sentence