



# SUPREME COURT OF APPEAL OF SOUTH AFRICA

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

**FROM** The Registrar, Supreme Court of Appeal  
**DATE** 01 April 2014  
**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.*

### **Pistorius v The State (253/13) [2014] ZASCA 47 (01 April 2014)**

1. The SCA today dismissed the appeal by the appellant against his convictions and sentence imposed by the court below.
2. The appellant had been convicted of assault with intent to do grievous bodily harm and *crimen injuria*. The state's case is that the appellant whilst driving in his bakkie on his farm met the complainant who was walking on foot. As he suspected the complainant, he confronted him and demanded to know why he was on his farm at that time. This happened on 26 December 2006. When the complainant explained that he was security doing patrol duties, the appellant remarked to his two passengers that 'die kaffer praat kak'. He then ordered him off his farm. He then alighted from his bakkie and hit him several times with the butt of a firearm.
3. In order to ensure that the complainant left his farm, he chased after him in his vehicle, and bumped him several times, causing him to fall to the ground causing him some serious injuries. At the gate, he pressed him against the gate with his vehicle.
4. The SCA found that the trial court was correct in finding the appellant guilty on both counts. Furthermore, it found no misdirection regarding the sentence. The conviction and sentence were confirmed.

5. The SCA has expressed grave concern about people who, 20 years into our nascent democracy which is underpinned by a Bill of Rights still make such racist and derogatory. The SCA remarked that in order to safeguard and protect the gains which we have made so far in fostering racial reconciliation and harmony, such utterances should be visited with severe sentences.

6. The appeal against conviction and sentence are dismissed.