



## CONSTITUTIONAL COURT OF SOUTH AFRICA

**Ruby Charmaine Marais v The State**

**Case No: CCT 54/10  
[2010] ZACC 16**

**Date of Judgment: 21 September 2010**

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### MEDIA SUMMARY

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*The following explanatory note is provided to assist the media in reporting this case and is not binding on the Constitutional Court or any member of the Court.*

On Tuesday, 21 September 2010, the Constitutional Court dismissed an application for leave to appeal against a decision of the Western Cape High Court (“High Court”) which found the applicant, Ms Marais, guilty of the murder of her husband, and sentenced her to life imprisonment.

The High Court found that Ms Marais had contracted others to murder her husband, which resulted in his brutal stabbing mere metres from the family residence. It rejected Ms Marais’ defence that she was a battered woman who merely intended for her husband to receive a “hiding.” Accordingly, Ms Marais was found guilty of premeditated murder. After her application for leave to appeal was dismissed by the Supreme Court of Appeal, she filed an application for leave to appeal to the Constitutional Court.

The Constitutional Court described Ms Marais’ case as “agonising because it raises the horrific spectre of domestic violence”. However, after having regard to case law wherein the defence of the battered woman syndrome is recognised in South Africa, the Court held that the application failed to raise constitutional issues. The Court found that, in essence, the application was merely based on a disagreement with the factual findings of the High Court. This finding, together with certain procedural rules which precluded Ms Marais from leading further evidence, led the Court to dismiss the application. Accordingly, an application by Tswaranang Legal Advocacy Centre to be admitted as *amicus curiae* in Ms Marais’ case also fell to be dismissed.