ROAD RAGE – SUE, AND REPORT IT!

“Have you ever noticed that anybody driving slower than you is an idiot, and anyone going faster than you is a maniac?” (Comedian George Carlin)

We live in stressful times, and as our roads become busier and the pressures of modern life mount, expect more and more road rage incidents. YouTube clips of drivers brawling, beside themselves with fury, vehicles forced off the road or tail-ended by apoplectic motorists, shouting, swearing, punch-throwing, windscreen smashing, racial insults – they all make for good viewing stats but what if you are one of the unfortunate victims?

Firstly, you may well have a civil claim for damages – ask your lawyer about your prospects. Both your actual monetary losses and damages for any assault and humiliation could be yours for the suing.

Then, as a recent High Court judgment confirms, reporting the offender to the police can be an effective way of “balancing the scales of justice” - and making a road-rager think twice about doing it again.

A parking lot bust-up…

The incident in question started with the complainant driving “against the direction set out by the road markings” in a parking lot.

This incurred the ire of the accused who, according to the complainant, got out of his parked vehicle, angrily accused the complainant of almost causing a collision, tried to throttle him and swore at him.

The accused denied these allegations and claimed merely to have asked the complainant if he had a driver’s licence. His evidence was rejected by the trial court, which convicted and sentenced him on two counts –

Common assault, for which he was sentenced to a fine of R1,500 or 3 month’s imprisonment (half suspended for 5 years) and

Crimen injuria (criminal impairment of another’s dignity), for which he was sentenced to a fine of R3,000 or 3 months’ imprisonment.

The High Court, in rejecting the accused’s appeal against his conviction, found his evidence to be so improbable as to be untrue – the State had proved its case to the required degree of “beyond a reasonable doubt”.

…and why the threat of a criminal record is so effective

It’s probably safe to assume that the fine the convicted road-rager must pay is of less concern to him than his resulting criminal record. The problem is that anyone convicted of a crime whose fingerprints have been taken is likely to appear on the SAPS National Criminal Register; and that’s going to pop up at some very inconvenient times, such as during visa applications, credit checks, employment vetting and so on.