

## Summary

**Appeal** – Sentence – Life imprisonment – Rape – multiple counts – DNA evidence linking appellant to rapes of two complainants – complainant in count 1 assaulted with beer bottle – complainant suffering grievous bodily injuries – complainant in counts 2-5 subdued with gun and also robbed of money and belongings – offences in counts 2-5 committed while appellant on the run for count 1 offence

**Appeal** – sentencing rests pre-eminently in discretion of trial court, appeal court cannot, in absence of material misdirection by trial court interfere with sentence only because it is not one that court itself would have imposed – where disparity of sentence imposed by the trial court and that which appeal court would have imposed is so marked that it can properly be described as shockingly, startlingly or disturbingly inappropriate, appeal court may, in certain circumstances be justified in interfering with sentence – trial court considered *Zinn* triad – appellant had previous convictions – words of Mahomed CJ stated in *S v Chapman* apt: rape is a serious offence constituting as it does a humiliating, degrading and brutal invasion of the privacy, dignity and the person of the individual – complainants traumatised and were deeply anxious during testimonies – no misdirection by trial court is found – appellant appropriately sentence to life imprisonment.