

MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 11 May 2007

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

JOHANNES DE WET NEL v THE STATE

1. The Supreme Court of Appeal today upheld an appeal by the appellant against a sentence of 15 years' imprisonment. The sentence was imposed by the Port Elizabeth regional court and upheld by the Eastern Cape Division of the High Court on one count of robbery with aggravating circumstances. The appellant armed with a firearm, robbed the Lorraine Entertainment Centre Casino in Port Elizabeth, where he was a regular gambler, of an amount of R32 595.
2. In imposing the sentence of 15 years the regional court found that the appellant's pathological gambling addiction coupled with other factors did not amount to substantial and compelling circumstances within the contemplation of the minimum sentencing legislation. The Supreme Court of Appeal found that the regional court had erred in interpreting the minimum legislation as it did and concluding that there were no substantial and compelling circumstances. The Supreme Court of Appeal found that the appellant's pathological gambling coupled with other factors amounted to substantial and compelling circumstances which justified a sentence of less than the 15 years' imposed. The Supreme Court of Appeal set aside the sentence of 15 years' imprisonment and replaced it with a sentence of 10 years' imprisonment.