

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: 18 March 2008

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.

MM MLIMO v THE STATE (454/07) [2008] ZASCA 7 (18 March 2008).

[1] The SCA today dismissed the appeal by Mr Mandla Mishack Mlimo, against the judgment of the Pretoria High Court (per Els J) in which he was convicted of murder and attempted murder and sentenced to life imprisonment for murder and twelve years' imprisonment for attempted murder.

[2] The trial court found that his licensed firearm, was ballistically linked to the shooting in Laudium, Pretoria on 6 November 2005, in which Mr Abdul Rahman was killed and wife, Mrs Alida Rahman was injured.

[3] On appeal the SCA found that the trial judge was entitled to rely on the opinion evidence of Superintendent Sindane, who tendered evidence as an expert, even though he had not completed a diploma in a ballistics course. The SCA found that the experience Mr Sindane had accumulated over a period of 6 years and his involvement in no less than 3085 shooting cases qualified him to give evidence of that nature. To this may be added the fact that he had himself conducted the ballistics test linking Mr Mlimo's firearm to the incident and his evidence which was not contradicted by the defence. Mr Mlimo did not give evidence at the trial.

[4] The SCA found that Mr Mlimo was convicted and his appeal was dismissed.