



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

**MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL**

30 September 2010

STATUS: Immediate

**Nduna v S (076/10) [2010] ZASCA 120 (30 September 2010)**

*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.*

The Supreme Court of Appeal today dismissed an appeal brought against a finding that evidence of fingerprints on two vehicles involved in armed robberies in Cape Town was, in the circumstances of the case, sufficient to incriminate and convict the appellant.

Two armed robberies of cash drawn from a bank to pay wages had taken place: one in 1999 and one in 2007. The pattern of each robbery was the same. In both cases the fingerprints of the appellant had been found on vehicles involved in the robberies. The appellant tried to explain the presence of his fingerprints by suggesting that he might have touched the vehicles in passing. This explanation was not reasonably possibly true in the light of the uncontested evidence that the prints found on the vehicles were those of the appellant.

The trial court had convicted the appellant on both counts. The Cape High Court dismissed an appeal, finding that the fingerprint evidence proved beyond reasonable doubt that the appellant had been guilty of the two robberies. The SCA confirmed the finding of the high court.