



**THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA**

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

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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.

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ADRIAAN KRUGER V THE STATE

The Supreme Court of Appeal today upheld an appeal against sentence whereby the appellant had been sentenced to an effective period of 26 years' imprisonment.

The appellant, 22 years old at the time of his arrest in 1996, was convicted by the regional court Pretoria of seven counts; four of housebreaking with intent to steal and theft, one of theft and one of contravening s 36 of the General Amendment Act 62 of 1955 and one of robbery. His appeal to the North Gauteng High Court was partly successful in that it reduced the sentence from an effective period of 30 years' imprisonment imposed by the regional court to 26 years' imprisonment.

His appeal to this court was based on the failure of the courts below to take into account the cumulative effect of the sentences imposed. He further contended that the period he spent in prison while awaiting trial should also be taken into account. He argued further that because the sentences were harsh and disproportionate this court is entitled to interfere.

The Supreme Court of Appeal agreed that the sentences were harsh and disproportionate and

therefore it was entitled to interfere. It also agreed that the period of 3 years and 8 months he spent awaiting trial, if it were to be considered, would go a long way in addressing the cumulative effect of the sentences as a whole.

The Supreme Court of Appeal concluded by allowing some of the sentences to run concurrently which was not done by the courts below. The appellant was ultimately sentenced to an effective period of 16 years' imprisonment to be antedated to 24 February 2000 being the date on which he was sentenced by the regional court.