



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

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal
Date: 26 May 2011
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.

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STAGGIE V THE STATE

The Supreme Court of Appeal (SCA) today struck from the roll an appeal by Mr Rashied Staggie (the appellant) against a decision of the Western Cape High Court (Cape Town) finding him, together with a co-accused who had since died at the time of the hearing of the appeal and whose appeal had lapsed as a result, guilty on one count of kidnapping and one count of rape, and sentencing him to an effective 15 years' imprisonment.

On 28 February 2003, the high court granted the appellants leave to appeal to the SCA. The appellants filed an incomplete record some 18 months after grant of leave, but it was rejected as being incomplete. The record in the present appeal was filed on 21 January 2010, approximately seven years after the appellants had been granted leave to appeal. Nothing was done in relation to the appeal until 30 April 2010 when counsel for Mr Staggie wrote a letter to the registrar of the SCA in which he mentioned, among other things, that he was briefed only on 3 March 2010. The state also filed its heads of argument late, on 27

May 2010. In addition to the delays occasioned by the parties, the office of the registrar of the SCA misfiled the case. It was only brought to the attention of the judge responsible for the roll during March 2011 instead of during May 2010. During the period between May 2010 and March 2011, counsel for Mr Staggie did nothing to respond to the state's submissions in its heads of argument regarding the delay by Mr Staggie in prosecuting the appeal. There was also no application by Mr Staggie for condonation of the late prosecution of the appeal.

In striking the appeal from the roll, the SCA held that the appeal was not properly before it and that even if it were to accept the lackadaisical submissions made in court as an application for condonation and reinstatement of the appeal, they did not satisfy it that the delay was excusable or that Mr Staggie had reasonable prospects of success.