



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.

Gilbert Ngwako Tlhako v The State

The Supreme Court of Appeal (SCA) today upheld the appeal against the sentence of an effective 30 years' imprisonment. The appellant was convicted of two counts of robbery of motor vehicles together with other items and cash on the 18th of July 2001 and the 11th of August 2001 respectively. The regional magistrates' court Polokwane, sentenced him to 15 years' imprisonment on each of the counts in terms of the Criminal Law Amendment Act 105 of 1997. The magistrate invoked this act even though the appellant was not warned or alerted to the possibility of being sentenced, upon conviction, in terms thereof. An appeal against these sentences was dismissed by the North Gauteng Division, Pretoria.

The Supreme Court of Appeal found that the magistrate had committed a misdirection in sentencing the appellant in terms of that act when the appellant was not alerted to the possibility of it being invoked. Furthermore, it found that an effective period of 30 years' imprisonment was in any event far too harsh. In the circumstances it reduced the sentence

on each count to 10 years' imprisonment.