

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE HIGH COURT, CAPE TOWN)

CASE NUMBER: A384/2010

DATE: 12 AUGUST 2011

5 In the matter between:

IMERAAN CLARK Appellant

and

THE STATE Respondent

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J U D G M E N T

DOLAMO, AJ:

The appellant in the matter was convicted in the Wynberg
15 Regional Court on one count of robbery with aggravating
circumstances. He was sentenced to 10 years direct
imprisonment. The appellant is now before this court on
appeal as to the sentence that was imposed on him.

20 The facts of the case are very simple. The complainant was
walking down the street when she was confronted by the
appellant, who produced a weapon and then robbed her of her
cell phone. The appellant pleaded guilty, but the plea was not
direct, it came via admissions, which amounted to an
25 admission on robbery simple. The state did not accept this
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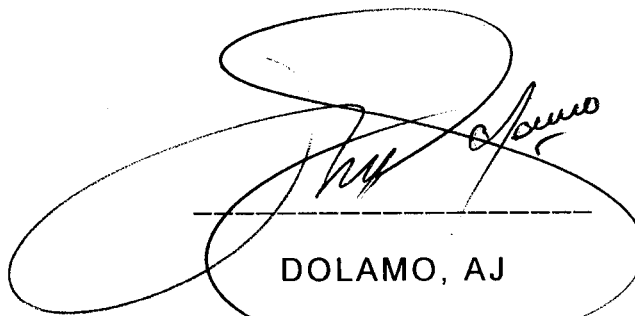
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plea and proceeded to call the complainant, who clearly indicated that the appellant was armed with a firearm.

On the other hand, appellant was a poor witness, who could not in any way describe how he had taken the cell phone from the appellant, who could not give, though he is not expected to, any explanation as to why the complainant will saw he saw a firearm.

In the circumstances, there are no reasons to interfere, firstly with the conviction, although the appeal is not on the conviction, and secondly, with the sentence where it is obviously that there was no misdirection by the court *a quo*. In the circumstances the order I propose is that the appeal is dismissed.



DOLAMO, AJ

VELDHUIZEN, J: I agree. It is so ordered. Conviction and sentence is confirmed.

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VELDHUIZEN, J

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