

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

CASE NUMBER: A414/2011

DATE: 25 NOVEMBER 2011

5 In the matter between:

JONGUMZI MAYIJA Appellant

and

THE STATE Respondent

10

J U D G M E N T

HLOPHE, JP:

This is an appeal against sentenced. The court *a quo* sentenced an accused person, now an appellant before us, to 10 years direct imprisonment following a conviction for murder.

15 It is common cause that at the time when the offence was committed, the appellant was 24 years. He was legally represented and the appeal is noted against sentence only.

Ms Mahlasela, who appeared for the appellant, argued that the
20 sentence imposed by the court *a quo* should be reduced. In amplification of her argument, she relied, *inter alia*, on the fact that not all personal circumstances were taken into account fully by the court *a quo*, such as the fact that the accused was a first offender, his level of education, namely he had a
25 diploma and that he was a young man who had a bright future.

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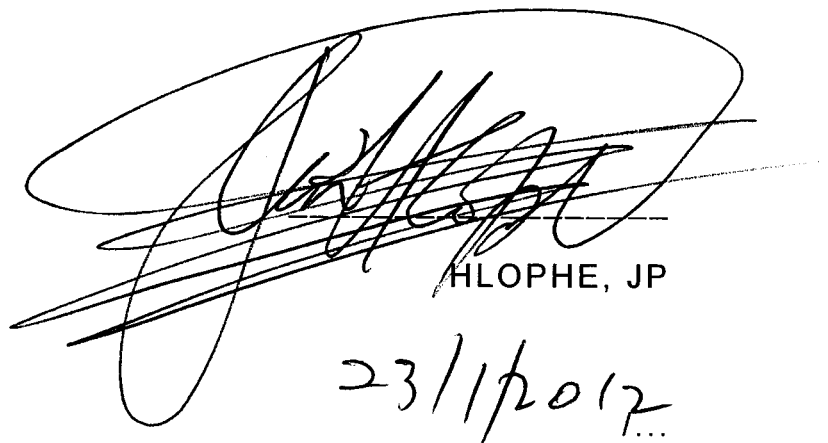
The test, however, in matters of this nature is not whether or not we like the sentence imposed by the court *a quo*, nor is it whether or not the sentence is harsh. It is simply whether the sentence is shockingly inappropriate or startlingly severe. In my judgment, after carefully listening to counsel, and after examining the record and looking into the whole case, the circumstances, including the manner in which the killing was effected, I can see no basis whatsoever for interfering with the discretion of the court *a quo* in imposing a sentence of 10 years direct imprisonment. **I WOULD, THEREFORE, DISMISS THE APPEAL AS BEING ALTOGETHER WITHOUT MERIT.**

I agree:

15

SABA, AJ

The order of the court is as follows: The appeal against sentence is dismissed. It follows, therefore, that the sentence of 10 years imposed by the court *a quo* is confirmed.


HLOPHE, JP
23/1/2012

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