

Supreme Court of Appeal of South Africa

MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 30 November 2006

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

On 30 November 2006 the Supreme Court of Appeal handed down judgment in *Thabang Ndlovu v The State*. It reduced a sentence of 15 years' imprisonment imposed for armed robbery by the Regional court Vosloorus and confirmed by the Johannesburg High Court to 10 years' imprisonment.

The appellant had robbed an optometrist of optical frames and sunglasses worth approximately R22 000.00. Many of the articles were recovered. This court held that the magistrate had erred in not giving due weight to the following factors: the degree of violence employed was limited, the appellant was only 20 years old, had spent four months in prison pending the finalisation of his trial and the robbery itself had been executed in a clumsy and inept manner. These factors taken cumulatively constituted substantial and compelling circumstances justifying a deviation from the prescribed minimum sentence of 15 years' imprisonment.

This court warned that sentences should not be slavishly uniform without due consideration of the facts of each case and the personal circumstances of an accused.

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