



THE SUPREME COURT OF APPEAL  
REPUBLIC OF SOUTH AFRICA

**MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL**

26 May 2010

STATUS: Immediate

**Ngcamu v The State (665/09)[2010] ZASCA 70 (26 May 2010)**

*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.*

The SCA today dismissed an appeal by Mr Thulani Ngcamu, against the decision of the KwaZulu-Natal High Court, dismissing his appeal against his conviction and sentence on a charge of robbery with aggravating circumstances and two counts of attempted murder by the regional magistrate, Durban.

His appeal to the SCA in respect of the second charge of attempted murder was upheld. The sentence of 15 years' imprisonment for the robbery with aggravating circumstances and the 5-year sentence imposed on him in respect one count of attempted murder, such 5 year sentence to run concurrently with the sentence of 15 years' imprisonment were confirmed.

The charges arose from an incident involving a robbery of two employees of Coin Security at a BP filling station and garage in Clare Estate on the morning of 9 February 2004 who had arrived at the premises to remove a cash box from a drop safe containing cash and leave an empty cash box. After removing the cash box laden with money one of the employees, Mr Tobias Mhlongo was accosted by two robbers who pointed firearms at him and took possession of the cash laden box from him by force. They ran to a silver grey Honda Ballade which was parked nearby with open doors.

They got into the vehicle and it sped off from the scene. The driver of the Coin Security van, Mr Dingaan Mabuza gave chase and there was a brief exchange of gun fire between him and the robbers but Mabuza lost the getaway vehicle in the traffic.

The appellant who was an ex-employee of Coin Security was identified as the driver of the getaway vehicle. The two courts below and the SCA rejected his defence that he had been hijacked in the same vehicle shortly before the robbery and accepted the evidence given by Mabuza, who identified Mr Ngcamu as the driver of the getaway vehicle.

Accordingly, his appeal against the conviction for robbery with aggravating circumstances and one count of attempted murder was dismissed and the effective sentence of 15 years' imprisonment imposed on him was confirmed.

His co-accused Mr Sifiso Shange, who had also noted an appeal, passed on before the hearing of the appeal. The SCA therefore only dealt with the appeal of Mr Ngcamu.