



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 19 March 2009

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

R MOKOENA v THE STATE

1. The SCA today upheld an appeal by Mr Richard Mokoena (the appellant) against the effective sentence of 47 and a half years' imprisonment imposed by Hattingh J in Parys for the robbery and murder of Mrs Catarina Johanna Koster (the deceased) in Petrus Steyn during February 1995. The appellant, who was the deceased's gardener, had gained access to her house and then strangled her. He and his co-accused returned that night and loaded goods from the deceased's house into her car which they removed to Mamafubedu.

2. The SCA held, following previous cases decided after the trial court had imposed sentence, that the trial court had committed a misdirection by attempting to fix the minimum amount of time it considered that the appellant should spend in jail even if he was granted parole. The SCA reiterated that the function of a sentencing court is to determine the maximum term of imprisonment a convicted person may serve and that courts are not entitled to prescribe to the executive the minimum amount of time that sentenced persons should be detained.

3. The effective sentence was accordingly reduced to 30 years' imprisonment.

--ends--