



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

30 September 2010

STATUS: Immediate

Gamede v The State (161/10) [2010] ZASCA 122 (30 September 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 against a conviction of dealing in 556 kgs of mandrax in the case of each of the appellants the value of the mandrax was approximately R50 million.

The appeal against their respective sentences of 20 years' imprisonment was upheld on the basis that the role played by each of them was not substantial and neither of them had been proved to have been the mastermind behind the operation of a mandrax manufacturing plant conducted on Spitskop and Mange Farms in KwaZulu-Natal.

The first appellant was apprehended by police as she was in the process of removing incrimination evidence.

The SCA found that the large scale of the manufacturing operation complied with her conduct in attempting to evade arrest, was consistent with knowledge on her part that she was involved in an illegal operation and that she was aware of the nature of the material she was conveying. The court however found that such knowledge and conduct did not warrant a sentence of 20 years' imprisonment but one more in line with sentences imposed on persons convicted after the fact. Her sentence was accordingly altered to one of five years' imprisonment.

The first appellant was apprehended on Spitskop Farm in possession of a bag of Anthranilic Acid, established on the evidence as being a substance used in the manufacture of mandrax. He was seen prior to his arrest on at least four different occasions on the farm, in the company of workers wearing gas masks, gum boots and gloves. From this evidence the court concluded that he was knowingly bringing the acid to the farm so that the drugs could be manufactured. Because he was directly involved in the manufacturing process the SCA considered, despite his clean record, that his role justified the imposition of no more than a sentence of 15 years' imprisonment for a conviction of drug dealing, as provided for in the Criminal Law Amendment Act 105 of 1997, as amended. The first appellant's sentence was accordingly altered to one of 15 years' imprisonment.