



**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
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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.

STATE V ROMER

The Supreme Court of Appeal (SCA) today dismissed an appeal by the State against the sentence imposed on Mr Stephen Romer by the Eastern Cape High Court (Port Elizabeth) for one count of murder and two counts of attempted murder. The SCA had, on the day of the hearing of the appeal, dismissed an application by Mr Romer to lead further evidence on appeal.

Romer had shot three people, one of whom was fatally wounded and the other two seriously injured. The high court found that he had suffered from diminished responsibility triggered by the disintegration of his marriage and the intake of anti-depressant medication prescribed by various doctors for his condition. However, it found that he had not acted in a state of sane automatism when he shot his victims. It sentenced him to ten years' imprisonment wholly suspended for five years on certain conditions. In addition it sentenced him to three years' correctional supervision.

Romer applied for leave to lead the evidence of a social worker responsible for monitoring his correctional supervision and community service, and of a medical practitioner formerly specialising in forensic and medico-legal psychiatry. The evidence of the social worker was intended to demonstrate that he had complied with the conditions imposed upon him by the high court. And the medical evidence was intended to bolster his case that he had committed the crimes when he was suffering from sane automatism. The SCA held that the evidence of the social worker was of no relevance to the appropriateness of sentence at the time of its imposition. It further held that the medical evidence was, firstly, controversial and, secondly, it was relevant only to his conviction (his application for leave to appeal against his conviction had been dismissed by the SCA). There was, therefore, no basis for its admissibility. Mr Romer's application to lead further evidence was therefore dismissed.

The State argued that the high court had overemphasized the personal circumstances of Romer at the expense of the gravity of the crimes he had committed, the interests of society and the interests of the victims. It further argued that a long term of imprisonment (15 years) was called for and that the high court had erred in suspending the sentence it had imposed. The SCA held that the high court had not committed any misdirection in imposing the sentence it did and that the sentence was not disturbingly inappropriate given Romer's diminished responsibility at the time. The deterrence of Romer, the SCA held, was not an overriding consideration. The appeal against sentence by the State was also dismissed.