



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

James Nkosi v The State (411/10) [2011] ZASCA 83 (27 May 2011)

The Supreme Court of Appeal today upheld the appeal of Mr James Nkosi but dismissed that of his co-appellant, Mr Zweli Albert Mthethwa, brought against their convictions and sentences imposed by the North Gauteng High Court arising from an attempted cash-in-transit heist of a Fidelity Cash Management Services which occurred on the N12 highway between Benoni and Etwatwa off-ramp in the morning of 9 September 2004. A passing motorist, Mr Johannes Humphries, was shot and injured by one of the would-be robbers, three of whom were killed by the police in the gunfight that ensued at the crime scene.

The Supreme Court of Appeal found that there was no evidence implicating Nkosi in the crimes and that he should have been discharged at the close of the State case. The SCA however held that Mthethwa, who was seen jumping out of the gangster's blue Toyota Tazz and was shot and wounded at the scene, was proper. The sentences imposed, which amounted to an effective term of 22 years imprisonment, were also found proper in view of the seriousness and prevalence of the relevant offences.

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