



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: 30 May 2012
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.

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The appellant is standing trial for robbery, attempted murder and the illegal possession of a firearm and ammunition in the Regional Court held at Wynberg. The charges arise from an incident on 24 December 2008 during which a service station in Muizenberg was robbed. The appellant was arrested in connection with the incident on the same day and has been in custody ever since. The trial commenced on 12 November 2009 but has been marred by numerous delays primarily caused by the State. By the time this appeal was heard, May 2012, the State had yet to conclude its case against the appellant.

The appellant brought an application for his release on bail, primarily relying

on the alleged weaknesses of the State's case and the inordinate delay in concluding the case against the appellant and his co-accused. He was refused bail in the magistrate's court and on appeal by the Western Cape High Court.

The Supreme Court of Appeal released the appellant on bail after hearing the matter. The reasons for that order were delivered today. The Supreme Court of Appeal found that the State's submission that it has a strong case against the appellant, which would motivate him to avoid his trial, should he be released on bail, is not supported by the facts in the bail application. The deduced weakness of the State's case, taken with the inordinate delay in concluding the evidence for the State and absence of acceptable explanation for that delay, were accepted by the Supreme Court of Appeal to constitute exceptional circumstances that, in the interests of justice, permit the release of the appellant.