



THE SUPREME COURT OF APPEAL
OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF
APPEAL

From: The Registrar, Supreme Court of Appeal
Date: 26 September 2014
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

Neutral citation: *Ramaite v The State* (958/2013) [2014] ZASCA 144 (26 September 2014)

The appellant had been charged with the rape of a 6 year old girl in the regional court Sibasa. Before his appearance in the regional court he elected to make use of a legal representative. At the commencement of the trial the prosecutor informed the court that the appellant wished to conduct his own defence. The magistrate failed to explain to the appellant the seriousness of the offence or encouraged him to make use of a legal representative. No enquiry was done why he waived his right to legal representation or if he did so with full knowledge of his rights.

The failure to properly explain the appellant's right to legal representation was an irregularity that prejudiced him in the conduct of the trial. This vitiated the proceedings.

The matter was transferred to the high court for sentencing purposes and the appellant was sentenced to undergo life imprisonment. The judge did not consider whether the proceedings in the regional court were in accordance with justice as required by s 52 of Act 105 of 1997 prior to sentencing the appellant.

According to the dissenting judgment the failure to properly explain the appellant's right to legal representation was not irregular and did not prejudice the appellant.

The conviction and sentence were therefore set aside.

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