



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal
DATE 24 November 2016
STATUS Immediate

Please note that the media summary is for the benefit of the media and does not form part of the judgment.

Plekenpol v The State (722/15) [2016] ZASCA 171 (24 November 2016)

MEDIA STATEMENT

The Supreme Court of Appeal today upheld an appellant's appeal against sentence. The appellant was charged with murder and robbery with aggravating circumstances in the Pretoria High Court. He pleaded guilty to murder and to ordinary robbery and was subsequently convicted as such. He was sentenced to 24 years' imprisonment on the murder and four years on the robbery. The sentences were ordered to run concurrently.

The appellant and the deceased had become friends and one evening the appellant was offended by an inappropriate suggestion by the deceased. The appellant then assaulted the deceased with a knobkierie to such an extent that he sustained a number of wounds on the head and his upper body which led to his death. The assault was continuous and found to have been brutal. Immediately thereafter, the appellant tied up the deceased in order to facilitate the robbery. The appellant removed a number of items from the deceased's house, packed it in the latter's vehicle and drove away after locking the house. While the deceased was still alive and the appellant drove off, the latter was aware that the assault was so severe that the deceased could die as a result.

The court below adopted the approach to sentence that these crimes were not subject to the minimum sentence act. This the Supreme Court of Appeal found to be a misdirection and proceeded to sentence the appellant afresh.

The appeal was directed at the sentence imposed for the murder. The Supreme Court of Appeal found that a period of 24 years' imprisonment was too harsh and reduced it to 18 years' imprisonment. The sentence of four years in respect of the robbery was ordered to run concurrently therewith.

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