



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 1 December 2016
STATUS Immediate

Phillips v The State (370/16) [2016] ZASCA ... (1 December 2016)

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.

Today the SCA upheld an appeal by Lebogang Phillips against sentence of 7 years' imprisonment, two years of which were suspended on a charge of contravening section 4(1)(a)(i)(aa) of the Prevention and Combating of Corrupt Activities Act, 2004 (Corruption).

The evidence revealed that in the early hours of 16 July 2010 near Hatfield Square, Pretoria, Mr Phillips, the then police officer, arrested the complainant, a student at the University of Pretoria, for allegedly drinking in public.

Despite his denial of wrong doing the complainant was placed in the back of a police van and driven to the Brooklyn Police Station. There he was left locked in the back of the police van for a while before Mr Phillips came and demanded payment of R2000 in cash, which he said was a fine the complainant had to pay in order to avoid going to jail. As the complainant did not have such an amount immediately available on him. Mr Phillips took him to the nearest ATM to withdraw cash. The complainant managed to withdraw R900 and gave it to Mr Phillips. Mr Phillips accepted it and released the complainant. Later that day the complainant opened a case of bribery against Mr Phillips at the Brooklyn Police Station. Mr Phillips was arrested and subsequently charged with corruption. The trial court found that the charge against the complainant was unfounded and convicted Mr Phillips. It sentenced him to seven years' imprisonment which was confirmed on appeal by the Gauteng Division of the High Court, Pretoria.

In a further appeal, the SCA reduced the sentence to four years' imprisonment. It found that the trial court had misdirected itself by over-emphasising the factor of

deterrence. The SCA considered that the sentence of four years' imprisonment was appropriate and would be an adequate deterrence to other police officers who may be tempted to supplement their income by corrupt activities.

---ends---