



MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

SOLLY RAMOBA V THE STATE

From: The Registrar, Supreme Court of Appeal

Date: 1 JUNE 2017

Status: Immediate

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

The Supreme Court of Appeal (SCA) handed down judgment today in an appeal from the Gauteng Division of the high court, Pretoria. The matter concerned an appeal against both conviction and sentence on a charge of robbery with aggravating circumstances, attempted murder and illegal possession of automatic firearms.

The appellant was convicted in the regional court, Tzaneen (trial court) on three counts of robbery with aggravating circumstances, one count of attempted robbery with aggravating circumstances, six counts of attempted murder and three counts of unlawful possession of automatic and semi-automatic firearms. On 21 July 2004 the appellant was sentenced to 138 years' imprisonment, sentences to run concurrently and the cumulative effect of an effective term of 52 years' imprisonment.

The only issue on appeal regarding conviction, was whether there was sufficient evidence against the appellant to sustain a conviction based on joint possession of firearms. The SCA held that the appellant's conviction on count 11 had to be set aside as the principles of joint possession were not established. However the appellant's appeal on counts 12 and 13 was dismissed as it was found that he jointly possessed the two firearms with his co-accused. The SCA held further that the sentence of 52 years' imprisonment was shockingly inappropriate and warranted interference from this court. The appellant was sentenced to a term of 28 years' imprisonment, antedated to 21 July 2004.