



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: 21 April 2021

Status: Immediate

The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal

Isaac M Mhlambi v The State (593/2020) [2021] ZASCA 49 (21 April 2021)

Today the Supreme Court of Appeal (SCA) dismissed an appeal against sentence by the appellant, Mr Isaac Mhlambi. On 1 December 2014, Mr Mhlambi was convicted in the Regional Court, Oberholzer of two counts of robbery with aggravating circumstances, one count of unlawful possession of a firearm and one count of unlawful possession of ammunition. He was sentenced to fifteen years' imprisonment on each count of robbery, five years' imprisonment on the offence of unlawful possession of a firearm and five years' imprisonment on the offence of unlawful possession of ammunition. The latter two sentences were ordered to run concurrently with the sentences for robbery. Mr Mhlambi was thus sentenced to an effective term of 30 years' imprisonment.

Mr Mhlambi successfully appealed to the Gauteng Division of the High Court, Pretoria (the high court). The conviction for unlawful possession of ammunition was set aside and the sentence on one of the robbery charges reduced to ten years' imprisonment. Mr Mhlambi's sentence was therefore reduced to an effective term of 25 years' imprisonment.

Mr Mhlambi then successfully petitioned this Court for leave to appeal against his sentence. The SCA dismissed his appeal on the grounds that the high court's order altering the sentence to an effective term of 25 years' imprisonment was appropriate. Mr Mhlambi had been convicted of hijacking two trucks valued in excess of R2 million with a cargo valued at some R300 000 and R800 000, respectively. One of the trucks and its cargo were never recovered. He had acted in concert with co-perpetrators, most of whom had firearms and had held their victims hostage for five hours. Given the seriousness of the offences, the SCA held that this was a case where Mr Mhlambi's personal circumstances had to recede into the background.

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