

REPUBLIC OF SOUTH AFRICA



**GAUTENG HIGH COURT
JOHANNESBURG LOCAL DIVISION**

CASE NO: A441/2013

DPP REF: 9/2/5/1(2013/0459)

In the matter between:

Trichart, Kurt

Appellant

and

The State

Respondent

SUMMARY

Vally J

Habitual criminal: It is necessary to give careful attention to the nature of the actual crime for which the offender has been convicted together with all the previous offences for which the offender has been convicted before the offender is declared to be a habitual criminal. A long list of previous convictions should not automatically result in the offender being declared a habitual criminal.

Probation officer's report: The probation officers who are officers of every Magistrates Court and who compile these reports, perform a valuable task, one that is of huge assistance to judicial officers. The probation officers are trained in social work. They work in the areas of crime prevention, treatment of offenders and care and treatment of victims of crime. They work with families and communities. They can be of immense assistance to judicial officers who are tasked with imposing appropriate sentences on convicted persons. Imposing an appropriate sentence is never easy. The task of so doing is an anxiety-ridden one. However, the burden is lightened when a carefully considered probation officer's report is placed before the court, and when the probation officer is available to attend to any queries, or concerns, the court may have. Judicial officers should take these reports seriously as they can contain valuable factual material relevant to the determination of an appropriate sentence. Should a judicial officer choose to reject the probation officer's recommendations s/he must at least furnish rational reasons for doing so.