

Supreme Court of Appeal of South Africa

**MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPREME
COURT OF APPEAL**

From: The Registrar, Supreme Court of Appeal

Date: 19 September 2005

Status: Immediate

**SITHEMBISO XOLANI KIMBERLEY AND ANOTHER v THE
STATE**

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

Where an accused and an accessory have been convicted in a case where the principle accused committed a single act of rape it is not competent for the accused and the accomplice to be sentenced to life imprisonment for their crimes. An appropriate sentence, depending on the circumstances of the case, would be a minimum sentence of 10 years imprisonment for a first offender. This was held in a judgment delivered by the Supreme Court of Appeal (Judge Zulman delivering the unanimous judgment of the court concurred in by Judges Mthiyane, Brand and Mlambo and Acting Judge Maya) upsetting a judgment given in the High Court of the Eastern Cape.