



## 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** 22 March 2013  
**STATUS** Immediate

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

*Maselani & another v The State*  
(511/2012) [2013] ZASCA 21 (22 March 2013)

#### **Media Statement**

The appellants were convicted of robbery with aggravating circumstances and sentenced to 15 years' imprisonment. They appealed against their convictions and sentences. Their appeals against conviction were dismissed on the basis that the trial court correctly found that in determining on the facts, whether grievous bodily harm had been caused to the victim of the robbery, the consequence to the victim, in this case her death, was a relevant factor to be considered. As regard sentence, because the evidence established that the death of the victim had solely been caused by accused 3 and not by the appellants, this was a relevant factor to be considered in determining whether the sentence passed was proportionate to the crime, the criminal and the needs of society. This factor had not been considered by the trial court, with the result that the appeal against sentence succeeded. The sentence imposed upon the appellants was accordingly reduced from 15 years' to 10 years' imprisonment each.

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