



**THE SUPREME COURT OF APPEAL  
REPUBLIC OF SOUTH AFRICA**

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

From: The Registrar, Supreme Court of Appeal  
Date: 2 June 2016  
Status: Immediate

*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.*

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**THE STATE V OUPA MOTLOUNG**

The SCA today upheld an appeal by the State where an effective sentence of eight 8 years imposed on a second offender who committed a murder whilst he was on parole. The sentence was set aside and a sentence of 15 years' imprisonment was imposed. The court found that the sentence of 8 years was startling inappropriate having regard to the degree of violence involved in the current and previous offences.

The SCA also found that a court cannot order the Parole Board to take into account the overall impact of the re-imposition of unexpired portion of an earlier sentence when deciding the current sentence.

A court hearing criminal matters cannot impose a costs order when an accused is represented by the Legal Aid Board.

The court also found that the Firearms Control Act 60 of 2000 has not impliedly repealed section 51(2) of the Criminal Law Amendment Act 105 of 1997 and the National Director of Public Prosecutions can elect whether to prosecute under the Firearms Control Act or the Criminal Law Amendment Act 105 of 1997, or both.