



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 30 August 2007
STATUS Immediate

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

J BLIGNAUT v THE STATE
(Case No 588 / 06)

Media Statement

Today the SCA upheld an appeal by Joseph Blignaut against a sentence of 15 years' imprisonment imposed by the Port Elizabeth Regional Court in consequence of his conviction on charges of robbery and kidnapping.

The appellant had pleaded guilty to the charges and in his plea explanation he stated that he had lost his employment and had fallen on hard times. On the day in question, whilst out walking he had come upon an empty shoe box, a discarded motor with wires attached to it, some paper and two plastic packets. He placed the latter three items into the shoe box. When he got to the First National Bank in Cleary Park in Port Elizabeth he wrote the words: 'I have a bom give me some moyne or I will blow you up' onto a deposit slip and handed it to a teller. He observed the bank being evacuated and whilst that was happening a person entered the bank who was introduced to him as the 'bank manager'. He was given R5 000 by the teller and thereafter left the bank together with the bank manager and teller. He was persuaded by the bank manager to release the teller, who he proposed taking hostage. Once outside the bank he boarded a bakkie together with the bank manager. En route to Bethelsdorp the bank manager convinced him to throw away the motor. He then arrested the appellant. The appellant later learnt that the 'bank manager' was in fact a police officer.

The regional court held that there were no substantial and compelling circumstances present warranting a departure from the statutorily prescribed minimum sentence. It accordingly imposed a sentence of 15 years' imprisonment in respect of the robbery. On the charge of kidnapping the appellant was sentenced to imprisonment for a term of 5 years which was ordered to run concurrently with the 15 years. An appeal to the Grahamstown High Court was unsuccessful. That court however granted the appellant leave to appeal to the SCA.

According to the SCA, the regional court had misdirected itself in several respects. It held that the offences had been perpetrated without any preplanning in a rather inept and amateurish manner and that the various mitigating factors such as: the appellant was a first offender, he had, by pleading guilty, demonstrated remorse for his conduct, he did not in fact pose a threat to anyone, and all of the money had been recovered; had not been afforded due weight by the regional court. It accordingly found that the cumulative effect of all of those factors constituted substantial and compelling circumstances and thus set aside the sentence of 15 years and replaced it with a term of imprisonment for a period of 5 years.

--- ends ---