

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE HIGH COURT, CAPE TOWN)

CASE NO:

SS66/08

DATE:

3 JUNE 2010

5 In the matter between:

ASHLEY LOUW

Accused 1

SHAFIEK CASSIEM

Accused 2

and

THE STATE

Respondent

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JUDGMENT

(Application for Leave to Appeal)

NGEWU, AJ

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Yes, in fact, there is no law that says that the cases – or the criminal cases, former criminal cases are binding on the following ones, for the simple reason that cases are not similar. The circumstances under which offences are created, can never be similar. The outcome of the offences are never similar. Therefore, we do not have a prescribed sentence for specific offences. Correct? Well, I do appreciate the fact that you are referring to other cases in this division, but we do not know what circumstances were, or what prompted the Presiding Officer to arrive at that sentence. And I think let us

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end it there. Let us just end it there.

Well, I do appreciate that this is an application for leave to appeal against the sentence of 16 years effective
5 imprisonment. The circumstances of the case, I found them very gruesome and heinous.

I weighed the facts of the case, and arrived at the sentence as I did. I believe I was lenient, in the circumstances, and the
10 sentence imposed, is the minimum, not the maximum. I didn't apply the maximum jurisdiction of the Court, but the ten-year period, I believe, was appropriate in the circumstances. Of course, counts 5 and 7 were ordered to run concurrently, which reduced the sentence, effectively, by six years.

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I do not believe any other Court would come to a different conclusion, given the circumstances of this particular case.

THE APPLICATION FOR LEAVE TO APPEAL, IS THEREFORE
20 REFUSED.



NGEWU, AJ

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