



## THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

### MEDIA SUMMARY: JUDGEMENT DELIVERED IN THE SUPREME COURT OF APPEAL

**FROM:** The Registrar, Supreme Court of Appeal

**DATE:** 26 April 2024

**STATUS:** Immediate

*Please note that the media summary is for the benefit of the media and does not form part of the judgement of the Supreme Court of Appeal*

*Nkomo and Others v The State (Case no 130/2022) [2024] ZASCA 61 (26 April 2024)*

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Today, the Supreme Court of Appeal, per Matojane JA (Mbatha, Mabindla-Boqwana, Weiner JJA and Seegobin AJA) has dismissed an appeal of several undocumented immigrants from Zimbabwe who were convicted of murder, robbery, and malicious damage to property stemming from an incident near an abandoned mine where appellants were involved in illegal mining activities.

The convictions were originally secured in the Gauteng High Court based largely on eyewitness testimony and the appellants' own admissions. While one judge on the full bench dissented, citing concerns over the reliability of the identification evidence, the majority upheld the murder and malicious damage convictions.

The robbery conviction was reduced to theft. However, the life sentences for murder were affirmed by the majority, who cited the gravity of the offenses and lack of substantial mitigating factors. Despite the dissenting opinion, the Supreme Court has now upheld the core convictions and sentences from the original trial verdict.

\*\*\*\*\*END\*\*\*\*\*