

SOUTH AFRICA / JUDGMENT

Jossia v S (SS134/2011) [2023] ZAGPJHC 394 (21 April 2023)

[2023] ZAGPJHC 394

COURT

South Gauteng High Court, Johannesburg

BEFORE

Vally

CASE / FILE NUMBER

SS134/2011

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IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NO: SS134/2011

NOT REPORTABLE

NOT OF INTEREST TO OTHER JUDGES

In the matter between

MASSINGYE JULIUS JOSSIA Applicant and THE STATE Respondent

Neutral Citation: Massingye Julius Jossia v The State (Case No: SS134/2011) [2023] ZAGPJHC 394
(21 April 2023)

J U D G M E N T

Leave to Appeal

VALLY J: Before me is an application for leave to on conviction and sentence.

On conviction

The applicant claims that judgment contains numerous misdirections, which call for the attention of another court. Upon scrutinising the claims, it became clear to me that the applicant merely repeats each of his contentions made at the trial. All of them have been fully dealt with in the judgment. The applicant remains convinced that his claims should have been accepted regardless of the fact that the testimonies of more than one witness demonstrated that his claims were baseless. I accordingly find that there is no misdirection and there is therefore no basis to claim that another court invested with the facts presented at the trial would come to a conclusion different to the one I and my learned assessors arrived at.

On sentence

On the issue of the sentence imposed it was argued I failed to have adequate regard to the fact that it was the first offence committed by a very young man and that I over- emphasised the gravity of the offence. Once again, I have to disagree. These facts were taken into account. They were found not to be compelling and substantial. There was, therefore, nothing before court to warrant a departure from the minimum sentence recommended by the legislature. And no other court, in my view, would come to a different conclusion.

Accordingly, the application for leave to appeal against both conviction and sentence is dismissed.

VALLYJ

Date of signature: 21 April 2023

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