

Pistorius takes 'unfair' sentence appeal to ConCourt

Oscar Pistorius, arguing the Supreme Court of Appeal exceeded its powers and violated his rights to a fair trial following the recent decision to increase his murder sentence to 13 years, has applied to the Constitutional Court for leave to appeal the sentence. In his application, notes a [News24](#) report, he submitted the SCA 'impermissibly disregarded or ignored' factual findings the original trial court found to be substantial and compelling evidence. **'(Pistorius) contends that this is impermissible, having regard to the role of an appellate court in dealing with issues of sentences, and is in breach of the applicant's constitutional right to a fair trial,** which includes the sentencing phase, and is in breach of his constitutional right to not be deprived of freedom arbitrarily or without just cause,' the application reads. It adds: 'The net effect of the sentence of the applicant is that parole will only be considered based on the sentence of 13 years and five months, and not the full term of 15 years. As such, the applicant is being deprived of parole on the one year and seven months already (fully) served.' Pistorius argued that he was therefore serving a more severe sentence than the 15 years imposed.