

IN THE SOUTH GAUTENG HIGH COURT

JOHANNESBURG

CASE NO: A301/12

DATE: 2012-11-07

In the matter between

STATE

Plaintiff

and

THUTHUKANI NDLAZINI

Defendant

JUDGMENT

WILLIS J:

[1] Immediately after we had delivered judgment in this matter, dismissing the appeal against conviction and sentence, we dismissed an application brought by the appellant's counsel for leave to appeal further to the Supreme Court of Appeal. We did so on the basis that we were satisfied that there are no reasonable prospects that another court would come to a different conclusion from our own. The appellant's counsel then applied for bail to be extended, *mutatis mutandis*, on the same terms and conditions as

had previously applied (while the appellant was waiting for this appeal to be heard), pending the outcome of a petition which the appellant intended to lodge with the Supreme Court of Appeal for leave to appeal further.

[2] In so far as the question of bail pending a petition to the Supreme Court of Appeal is concerned, this matter has already been debated. A draft will be prepared and an order made tomorrow. In the meantime, the appellant's bail is extended, *mutatis mutandis*, on the same conditions as were imposed by the learned Magistrate until tomorrow morning at 10h00.

[3] BASHALL AJ: I agree (i.e. with the orders dismissing the appeal against conviction and sentence, dismissing the application for leave to appeal further to the Supreme Court of appeal and the order extending bail until tomorrow morning).

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TRANSCRIBER'S CERTIFICATE

I, the undersigned, hereby certify that, *in as far as it is audible*, the foregoing is a true and correct transcription of the proceedings recorded by means of a digital recorder in the matter of:

STATE

versus

THUTHUKANI DLANZINI

<u>CASE NUMBER:</u>	A301/12
<u>RECORDED AT:</u>	JOHANNESBURG
<u>DATE HELD:</u>	2012-11-07
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1. Names not spelt for the record have been typed phonetically.
2. Right at the beginning of judgment recording fades out and plays through one channel and some of judgment inaudible.



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