

91D 114

SS26/2006

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JUDGMENT

IN THE HIGH COURT OF SOUTH AFRICA

(WESTERN CAPE HIGH COURT, CAPE TOWN)

CASE NUMBER:

SS26/2006

5 DATE:

13 OCTOBER 2010

In the matter between:

SYDNEY MANGENA

Applicant

and

10 THE STATE

Respondent

J U D G M E N T

(Application for leave to appeal)

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DLODLO, J:

Having heard both counsel in this application, it is ordered as follows:

20 1. There exist no reasonable prospects that a
 differently constituting court would come to a
 conclusion different from the one I arrived at as far
 as conviction is concerned.

25 2. However, sentence being the most difficult part with

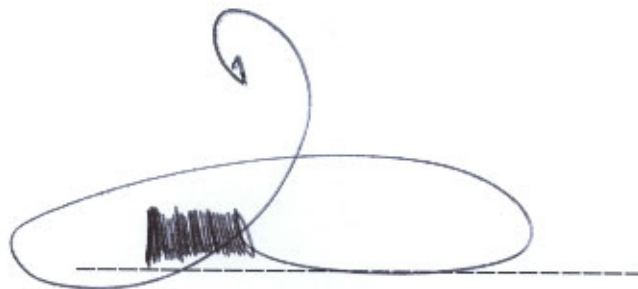
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any criminal trial, it is almost always possible that the Appeal Court may very well come to the conclusion that it needs to be interfered with.

- 5 3. Leave to appeal in respect of conviction is refused.
4. Leave to appeal against sentence is, however, granted and is to be heard by the full court of this division.

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DLODLO, J