

IN THE HIGH COURT OF SOUTH AFRICA

(WESTERN CAPE HIGH COURT, CAPE TOWN)

CASE NUMBER: SS106/2003

DATE: 26 FEBRUARY 2009

5 In the matter between:

CHRISTOPHER KAMANGANA APPLICANT

and

THE STATE RESPONDENT

10

JUDGMENT

(Applicant for Leave to Appeal)

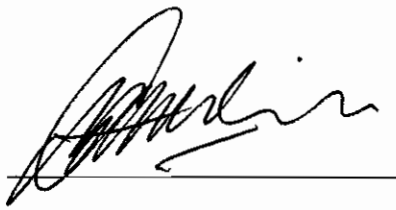
VELDHUIZEN, J:

15 In this matter the applicant was convicted on 27 May 2003 on
three counts. The first count being housebreaking with the
intent to steal and theft. The second count is robbery with
aggravating circumstances and the third count was one of
murder. On the next day, that is 28 May 2003, the accused
20 was sentenced on the first count to five years imprisonment,
on the second count to 15 years imprisonment and on the third
count to life imprisonment. In terms of the Correctional
Services Act, the first two sentences are to run concurrently
with the sentence on the third count. I, in any event, ex
25 *abundante cautela* indicated that the sentences were to run

concurrently.

Today there is before me an application for leave to appeal
against the sentences imposed. Condonation for the late filing
5 of the notice to appeal was reluctantly granted. In my view
there is no merit in this application and accordingly the
applicant's application for leave to appeal is refused.

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A handwritten signature in black ink, appearing to read 'J. Veldhuizen', is written over a horizontal line.

VELDHUIZEN, J