

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE HIGH COURT, CAPE TOWN)

CASE NO:

SS228/05

5 DATE:

15 JUNE 2010

In the matter between:

MAZIZI NGQWEMLA

Applicant

10 and

THE STATE

Respondent

JUDGMENT

15 **(Application for leave to Appeal)**

LOUW, J:

This is an application for leave to appeal brought by accused 1
20 in a trial in which he was convicted with accused 2 on a
number of serious offences and was imprisoned for an
effective period of 25 years.

Mr Roberts, who appears on behalf of the applicant submitted
25 that there is a reasonable prospect that another court may

come to a different conclusion, both as regards the conviction and the sentences imposed.

5 The applicant was identified by two witnesses who both knew him well and who placed him on the scene of the robbery. He was later involved, on the evidence of the State, in a shoot-out with the police and had with him a firearm which had shortly before the shout-out been taken from one of the victims of the robbery.

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At the trial the Court (i.e. myself and assessors) came to the conclusion that the evidence of the State witnesses were of such a nature and quality that the alibi evidence by the applicant could not reasonably possibly be true.

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Mr Roberts criticised the evidence adduced by the State and submitted that that evidence in the light of the evidence of the applicant should have been rejected.

20 I reconsidered the matter and I am satisfied that there is no reasonable prospect that another court may come to a different conclusion as regards the conviction.

As regards sentence, I am likewise of the view that there is no
25 reasonable prospect that another court will interfere with the

sentences imposed in this case.

It follows therefor that the application for leave to appeal against the conviction and the sentences is dismissed.

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LOUW, J