

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

CASE NO:

SS118/08

DATE:

25 MAY 2010

5 In the matter between:

THE STATE

and

LUCKY MTHEMBU

Accused 2

MNINAWA PHELA

Accused 3

10 PHUMELE RINKIE VAAIBOOM

Accused 4

CHUMANI SIBANDA

Accused 5

JUDGMENT**(Application for Leave to Appeal)**

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MOTALA, J

The four accused apply for leave to appeal against their convictions on six charges. They do not seek leave to appeal
 20 against the sentences imposed on them.

As I stated in the judgment, the convictions of the applicants was based largely on the evidence of an accomplice. Although my learned assessor and I found that there were sufficient
 25 safeguards for relying on the accomplice's evidence there is a
 /ds /...

reasonable possibility that another Court will come to a different conclusion.

ALL FOUR APPLICANTS ARE GRANTED LEAVE TO APPEAL
5 TO THE FULL BENCH OF THIS COURT AGAINST ALL
CONVICTIONS.

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

MOTALA, J