



## CONSTITUTIONAL COURT OF SOUTH AFRICA

**Thembekile Molaudzi v The State**

**CCT 126/13**

**Date of judgment: 20 May 2014**

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### MEDIA SUMMARY

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*The following explanatory note is provided to assist the media in reporting this case and is not binding on the Constitutional Court or any member of the Court.*

Today the Constitutional Court handed down judgment in an application for leave to appeal against a decision of the North West High Court, Mahikeng which convicted Mr Molaudzi of murder and robbery of an off-duty policeman and the unlawful possession of a firearm and ammunition.

Mr Molaudzi was granted leave to appeal to the Full Court. The appeal was dismissed. The Supreme Court of Appeal refused a further application for leave to appeal. The applicant appealed to the Constitutional Court on the basis that he had been wrongly convicted.

This Court denied leave to appeal on the grounds that the case did not raise a constitutional issue and there were no reasonable prospects of success. However, the Court thought it prudent to comment on one issue in particular: the lengthy delay in compiling the trial record. The delay meant that Mr Molaudzi waited eight years for his appeal to be heard. The Court held that while the delay in this case did not result in a miscarriage of justice because the appeal was eventually heard and properly assessed, such a delay was nonetheless unacceptable. However, given that the matter was reported to and investigated by the Judicial Services Commission, the Court found that further comment was unnecessary. The Court ordered the Registrar to forward a copy of its judgment to the office of the National Director of Public Prosecutions, the Minister of Justice and Constitutional Development, the Mahikeng Justice Centre, Lawyers for Human Rights and the Judge President of the Mahikeng High Court.