

SS313/00-IDM

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JUDGMENT

Sneller Verbatim/IDM

IN THE HIGH COURT OF SOUTH AFRICA


(WITWATERSRAND LOCAL DIVISION)

JOHANNESBURG

CASE NO: SS313/00

2002-02-15

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DELETE WHICHEVER IS NOT APPLICABLE	
(1) REPORTABLE	<del>YES</del> /NO
(2) OF INTEREST TO OTHER JUDGES	YES/NO
(3) REVISED	✓
DATE <u>2/5/2002</u>	SIGNATURE 

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In the matter between

THE STATE

and

HEVISON FUNDINI NOYAHUNGU

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### J U D G M E N T

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WILLIS J: Immediately after I pronounced sentence in this matter, Mr Mpanza, acting for the accused, made an application for leave to appeal against sentence only. He indicated that he accepted the correctness of the conviction. I think it is appropriate to indicate at this stage that had an application for leave to appeal against conviction been made, I would have dismissed it, as I am satisfied that there are no reasonable prospects of success with regard to an appeal against conviction.

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With regard to sentence, I accept that the principles of

sentencing are in a state of flux, and that different views are being taken with regard to crimes of violence against family members. It seems to me to be fair to the accused that he should have an opportunity to argue the question of sentence before an appeal court. I accept that there are reasonable prospects of success with regard to an appeal against sentence.

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In my view the appeal against sentence is not of sufficient complexity or importance to warrant that it be directed to the Supreme Court of Appeal, and I shall direct that the appeal be heard by the full bench of this division.

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The following order is granted:

- 1 The accused is given leave to appeal against sentence only.
- 2 It is directed that the appeal be heard by the full bench of this division.

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