



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA
MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

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Status: Immediate

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Lekeka v The State (1136/2022) [2025] ZASCA 182 (1 December 2025)

Today the Supreme Court of Appeal (the SCA) handed down a judgment in which it struck from the roll an application for reconsideration of a decision refusing special leave to appeal against conviction and sentence.

Mr Daniel Lekeka (Mr Lekeka) was convicted by the Gauteng Division of the High Court, Johannesburg on two counts of murder and one count of robbery with aggravating circumstances, for the murder and robbery of Ms Pamela May Leslie and Mr Thomas Leach (collectively, the deceased) on 14 September 2006 at their home in Suidoord, Johannesburg. He also robbed them of a white Opel Monza motor vehicle (the Monza). He was sentenced to life imprisonment for the murder counts and ten years' imprisonment on the robbery count, with all the sentences to run concurrently.

The high court convicted Mr Lekeka on circumstantial evidence. There was no direct evidence linking him to the crimes. The high court concluded, through inferential reasoning from the proved facts, that the Monza had been on the property of the deceased until Thursday, 14 September 2006, the day that their bodies were discovered. The high court rejected Mr Lekeka's version that he had not left the Monza at the house of the deceased on Monday, 11 September 2006, but had driven to where he resided.

The high court found that Mr Lekeka, as an employee of Mr Thomas Leach, was the only person with reasonable opportunity to enter the property and commit the crimes, that he would have known how to subdue the vicious doberman owned by the deceased, he would have known where to find the gate keys to exit the property, and that no other person other than Mr Lekeka would have had access to the property or motive to murder the deceased. Mr Lekeka appealed to the full. Which appeal was dismissed on 30 April 2010. On 4 February 2017, two judges of the SCA refused his application for special leave to appeal. He then applied to the President of the SCA for a reconsideration of that decision, which was referred to the SCA for determination.

The core issue before the SCA was whether there were exceptional circumstances that warranted reconsideration of the decision refusing special leave to appeal.

Mr Lekeka's grounds for reconsideration included that his conviction was based solely on circumstantial evidence with improbabilities in the inferences drawn; that he had no motive to rob and murder the deceased; that his right to a fair trial was infringed; that his alibi defence was not disproved; and that his legal representative failed to apply for his acquittal or adequately represent him at trial.

The SCA found that none of these grounds constituted exceptional circumstances as contemplated in s 17(2)(f) of the Superior Courts Act 10 of 2013 (the Superior Courts Act). The SCA found that the errors which the high court was said to have made ultimately turned on the evaluation of evidence and findings of fact and law and had been raised before in Mr Lekeka's appeal to the full court and in his application for special leave to appeal.

The SCA noted that if Mr Lekeka was denied a fair trial due to improper conduct of his legal representative, the prosecutor, and the presiding judge, he should have raised this before the full court and in his application for special leave to appeal, but he did not do so. The SCA held that the purpose of s 17(2)(f) is not to provide another opportunity to raise appeal grounds that were already considered, nor to present the same grounds disguised as new ones, nor to introduce issues that were merely afterthoughts.

Mr Lekeka also argued that evidence of a defence witness was missing from the record. The SCA held that it is not competent for it, in an application for reconsideration, to consider the adequacy of the appeal record, as that would fall within the remit of the court ultimately seized with the appeal. In any event, the SCA noted that both the high court and the full court had access to the complete record when making their decisions, and Mr Lekeka had failed to demonstrate how any incomplete record would have resulted in an unfair appeal or grave injustice. The SCA held that Mr Lekeka failed to meet the heightened threshold to demonstrate exceptional circumstances. As a result, the SCA struck the application for reconsideration off the roll.

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