



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

Date: 1 September 2021

Status: Immediate

The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal

Lungisa Grifhs v The State (433/2020) [2021] ZASCA 112 (1 September 2021)

Today the Supreme Court of Appeal (SCA) handed down judgment upholding the appeal against the Eastern Cape Division of the High Court, Mthatha (the high court).

The issue before the SCA was whether there were reasonable prospects of success in the appellants appeal.

On the 28 November 2018, the appellant, Mr Lungisa Grifhs, was convicted together with two of his erstwhile co-accused in the Regional Court for the Eastern Cape Region, Mthatha, on one count of murder. The Regional Court found substantial and compelling circumstances that warranted the imposition of a sentence less than the one prescribed in the Criminal Law Amendment Act. The appellant was accordingly sentenced to 16 years' imprisonment. His application for leave to appeal in the high court, against both conviction and sentence, was dismissed.

The appellant was convicted on the evidence of a single witness, Mr Bavu. The appellant contended that the evidence of the single witness was not reliable, as it was improbable and inconsistent with the admitted statement that the witness had made to the police.

The SCA found that there were substantial unexplained contradictions between Mr Bavu's oral testimony and his written statement to the police. As a result, the SCA upheld the appeal on the basis that there were reasonable prospects of success on the appeal against both conviction and sentence.

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