



THE SUPREME COURT OF APPEAL
OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal
Date: 26 September 2011
Status: Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

Mbuyisa v The State

The appellant was tried in the regional court on a charge of attempted murder. She pleaded guilty to this charge, admitting that she had attempted to kill the complainant by pouring paraffin over him and setting him alight. She was sentenced to eight years' imprisonment, half of which was conditionally suspended for four years.

The appellant then sought leave to appeal to the high court against both her conviction and sentence. She contended that she had not been properly convicted as, despite her plea of guilty and a written plea explanation under s 112(2) of the Criminal Procedure Act, the court should have entertained doubt as to her guilt. She also alleged that the sentence imposed on her was unduly harsh.

The appellant's application for leave to appeal was dismissed in the regional court. The appellant thereafter petitioned the high court for leave to appeal, but such petition was similarly unsuccessful. She proceeded to apply for leave to appeal against the refusal of her petition. That application was successful.

The issue before the Supreme Court of Appeal was whether the appellant ought to have been granted leave to appeal to the high court against her conviction and sentence in the regional court. The Supreme Court of Appeal today decided that the appellant had no prospect of success in such an appeal and, indeed, faced the very real prospect of a far heavier sentence being imposed upon her if she were to appeal. The appeal against the dismissal of her petition to the high court was therefore dismissed.

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