



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 28 March 2013

STATUS Immediate

Please note that the media summary is for the benefit of the media and does not form part of the judgment.

***Leon Smith v The State (595/2012) [2013] ZASCA 38 (28 March
2013)***

The SCA granted leave to the appellant to appeal to the high court against his conviction and the sentence imposed on a count of theft in addition to his conviction and sentence on other charges, after the high court refused a petition for leave to appeal.

The SCA found that there is a reasonable possibility that the court of appeal might find that (a) the state did not prove the appellant's guilt beyond reasonable doubt; and (b) the appellant did not have a fair trial due to the magistrate's conduct, which irregularity might be sufficient to vitiate the proceedings.

The Registrar was directed to forward a copy of the judgment to the Magistrate's Commission and to the President of the Regional Court for Benoni.