

**IN THE HIGH COURT OF SOUTH AFRICA  
CISKEI PROVINCIAL DIVISION**

**CASE NO.: CC35/2007**

**IN THE MATTER BETWEEN:**

**LUVUYO MCAPHUKISI**

**1<sup>ST</sup> APPLICANT**

**LIZO LUMBE**

**2<sup>ND</sup> APPLICANT**

**LINDILE MAGI**

**3<sup>TH</sup> APPLICANT**

**AND**

**THE STATE**

**RESPONDENT**

**RULING**

**DHLODHLO ADJP:**

Accused five, six, and seven have applied for leave to appeal against the judgments and the sentences. The Respondent (the State) opposes the applications.

I have reconsidered the grounds of appeal, reconsidered rulings I made in respect of trials - within - the trial, my judgments and the sentences,

I am not persuaded that there are reasonable prospects of success on appeal. I believe that there are none. The applications for leave to appeal against the judgments and the sentences in respect of the three applicants on all counts are accordingly refused.

**AEB DHLODHLO  
JUDGE OF THE HIGH COURT  
ACTING DEPUTY JUDGE PRESIDENT**

**13 MAY 2009**

FOR 1<sup>st</sup> APPLICANT (ACCUSED NO. 5):

MR V MAGQABI

FOR 2<sup>nd</sup> AND 3<sup>rd</sup> APPLICANTS (ACCUSED NO. 6 AND 7):

MR S V PANGO

FOR THE RESPONDENT (THE STATE):

MR AC ERUSMUS