

IN THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

**CASE NO:
(ex ECG CC35/09)**

In the matter between:

KWANELE MKHWENKWE

Appellant

and

THE STATE

Respondent

NOTICE OF MOTION FOR LEAVE TO APPEAL

KINDLY TAKE NOTICE that the abovementioned Applicant hereby applies to the Judge President of the above Honourable Court for an order in the following terms:

1. Condoning the late filing of this application for Leave to Appeal.
2. Granting the Applicant Leave to Appeal to the Full Bench of the Eastern Cape High Court, Grahamstown against the convictions on two charges of rape handed down on 14 July 2011 by the Honourable Ms Justice Beshe in the High Court Eastern Cape (East London Circuit Local Division).

3. Further and / or alternative relief.

KINDLY NOTE FURTHER that the Affidavit of the Applicant annexed hereto, together with Annexures thereto will be used in support of this Application.

KINDLY NOTE FURTHER that should you intend to oppose this Application you are required to lodge your affidavit in support of this opposition within one (1) month after service of this application upon you.

DATED AT PORT ELIZABETH ON THIS 25th DAY OF JANUARY 2013.

**LEGAL AID SOUTH AFRICA
Port Elizabeth Justice Centre
1st Floor, President Centre
564 Govan Mbeki Avenue
North End
Port Elizabeth
Tel: 041-4082800**

(REF: PEJC HCU/L Crouse)

p/a

Bloemfontein Justice Centre

Second Floor

113 St Andrews Street

Bloemfontein

(Tel: 051 4479915)

(REF: S.Kruger/PEJC)

**TO: THE REGISTRAR
SUPREME COURT OF APPEAL
BLOEMFONTEIN**

**AND TO: DIRECTOR OF PUBLIC PROSECUTIONS
GRAHAMSTOWN**

**AND TO: THE REGISTRAR
EASTERN CAPE, HIGH COURT
GRAHAMSTOWN**