

LEGAL AID BOARD

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31 January 2004

FOR ACTION

Regional Operations Executives, Justice Centre Executives, other Legal Aid Board Staff and Legal Practitioners.

FOR INFORMATION

The Chief Justice, Judges President, The National Director of Public Prosecutions, Registrars, Directors of Public Prosecution and Bars of the Cape of Good Hope Provincial Division, Eastern Cape Division, South Eastern Cape Local Division, Northern Cape Division, Free State Provincial Division, Kwa-Zulu Natal Provincial Division, Durban and Coast Local Division, Transvaal Provincial Division, Witwatersrand Local Division, Bophuthstswana Division, Ciskei Division, Transkei Division and Venda Division, General Council of the Bar of South Africa, the Law Society of South Africa, the Law Societies of the Cape of Good Hope, Kwa-Zulu Natal, Free State and Northern Provinces, National Association of Democratic Lawyers, Black Lawyers' Association, Association of Independent Advocates of South Africa, Criminal Law Bar of South Africa, The Church Street Bar Association, The Judicial Services Commission, The Magistrates' Commission, Department of Justice, Department of Land Affairs, Department of Arts and Culture, the Editor of De Rebus, the Editor of Advocate and Legal Aid Officers at Magistrates' Courts.

Dear Sir/Madam

Circular 2 of 2004

The Criminal Procedure Amendment Act No. 42 of 2003

The provisions of Chapter 3 paragraph 1.2 of the Legal Aid Guide are amended by the substitution therefore of the following:

- "1.2(a) Criminal Appeals – Section 35(3) of the Constitution.
(a) Section 35(3) of the constitution, 1996 provides:

"Every accused person shall have the right to a fair trial, which shall include the right -

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(g) *to have a legal practitioner assigned to the accused person by the State and at State expense, where substantial injustice would otherwise result, and to be informed of the right promptly.*

.....



- (c) *of appeal to, or review by a higher court;'*
- (b) The right to an appeal is an integral part of the right to a fair trial and, where substantial injustice would otherwise result, the accused is entitled to legal representation at State expense for the purpose of an appeal. This does not however mean that every accused who is convicted is forthwith entitled to legal aid for purpose of an appeal.
- (c) The Criminal Procedure Act No. 51 of 1977 was amended by the Criminal Procedure Amendment Act No. 42 of 2003 with effect from 1 January 2004. The effect thereof is that:
- i. Accused persons convicted and sentenced by a magistrate on or after 1 January 2004 need to obtain leave to appeal before an appeal can be proceeded with.
 - ii. Children under the age of 14 who were sentenced to imprisonment that was not wholly suspended and unrepresented children under the age of 16 who were sentenced to imprisonment that was not wholly suspended are the exception to paragraph (i) above and do not require leave to appeal from the judgement and/or sentence of a magistrate.
 - iii. The position of accused persons convicted and sentenced before the High Court remains that they need to obtain leave to appeal before an appeal can be proceeded with.
 - iv. Likewise the position of accused who wish to appeal to the Supreme Court of Appeal against the dismissal of an appeal to the High Court remains that they need to obtain leave to appeal before an appeal can be proceeded with.
 - v. It is clear from Section 7 of the Criminal Procedure Amendment Act No. 42 of 2003 that its provisions do not apply to appeals pending before the High Court or Supreme Court as at 1 January 2004.
 - vi. The position of accused convicted and/or sentenced by a magistrate prior to 1 January 2004 but whose appeals were not yet pending before the High Court or the Supreme Court of Appeal as at 1 January 2004 is less clear. The one view is that, both because they were not dealt with in the transitional provisions of Act No. 42 of 2003 and because that Act introduced procedural amendments rather than any changes in substantive rights, such accused are obliged to seek and obtain leave to appeal before proceeding with an appeal. The other view is that such an interpretation would represent a retrospective deprivation of vested rights and that such would be in conflict with Section 35(3) of the Constitution. The Legal Aid Board is seeking legal opinion and a further Circular will be

issued in due course. Legal practitioners are advised to proceed with caution in the interim.

- (d) Substantial injustice will arise in respect of a contemplated appeal in a criminal matter if legal representation is not made available to the accused at State expense in circumstances where:
- i. The accused is unable to afford the cost of his/her own legal representation in respect of the contemplated appeal; and
 - ii. The accused has been sentenced to imprisonment, either with or without the option of a fine, of which the unsuspended portion is more than three months and if given the option of a fine such remains unpaid two weeks after date of sentence; and
 - iii. The appeal has been prosecuted timeously or there is a reasonable prospect of obtaining condonation for a delay in prosecuting the appeal; and
 - iv. In the case of an accused who wishes to prosecute an appeal against either a conviction in the High Court or the dismissal of an appeal in the High Court, leave to appeal has been obtained either from the Court of first instance or the Supreme Court of Appeal; and
 - v. In the case of any other accused obliged to obtain leave to appeal before proceeding with the contemplated appeal such leave has been obtained.
- (e) An accused must comply with all the applicable criteria set out in paragraph (d) above.
- (f) Whether or not the accused is unable to afford the cost of his/her own legal representation in respect of the contemplated appeal is a matter to be determined in the normal manner for the provision of legal services in terms of the Constitution, set out in Chapter 2 of the Guide. The procedure is as follows:
- i. The legal aid applicant completes the means test referred to in Chapter 2 in the normal manner (See Annexure G2). If the legal aid applicant qualifies for legal aid in terms of the means test, the legal aid applicant is indigent and is unable to afford the cost of his/her own legal representation. Consequently, if the legal aid applicant qualifies in terms of the means test, the enquiry in respect of the legal aid applicant's ability to pay for the cost of his/her own legal representation need proceed no further.
 - ii. If the legal aid applicant does not qualify for legal aid in terms of the means test calculation set out in Annexure G.2, then

Annexure G.3 is to be completed and forwarded to the applicable JCE who will consider whether or not the legal aid applicant qualifies for the assignment of legal representation at State expense. He/she will take into account the income, expenditure, assets and liabilities of the legal aid applicant, the nature and number of charges involved, the number of co-accused involved, the forum in which the proceedings are to take place, the anticipated duration of such proceedings and any factors relating to the complexity of the matter and the personal circumstances of the accused which may be drawn to the attention of the applicable JCE.

- (g) In relation to criminal appeals, it is not necessary for the legal aid officer to determine in advance of the appeal whether or not the accused faces the prospect of imprisonment, either with or without the option of a fine, of which the unsuspended portion would be more than three months and if the accused was given the option of a fine, whether such fine has remained unpaid for two weeks after sentence. In relation to criminal appeals it is merely necessary to determine factually whether or not the accused has been sentenced to imprisonment, either with or without the option of a fine, of which the unsuspended portion is more than three months and, if the accused was given the option of a fine, whether such fine has remained unpaid for two weeks after sentence.
- (h) Where an accused seeks legal aid to prosecution on appeal that has not been prosecuted timeously and where it is consequently necessary to obtain condonation in addition to leave to appeal:
- i. A legal aid applicant who has been granted leave to appeal by the court of first instance will be deemed to have a reasonable prospect of obtaining condonation before the immediately superior forum.
 - ii. A legal aid applicant who has been granted leave to appeal by the High Court or the Supreme Court of Appeal will be deemed to have a reasonable prospect of obtaining condonation.
 - iii. A legal aid applicant who has not yet applied for leave to appeal will be deemed to have a reasonable prospect of obtaining condonation if the delay to be condoned is less than six months.
 - iv. A legal aid application who has not yet applied for leave to appeal will be deemed not to have a reasonable prospect of obtaining condonation if the delay to be condoned is six months or more. However, such a legal aid applicant may be granted legal aid at the discretion of the applicable JCE, who shall indicate the exercise of his/her discretion and the reasons therefore in writing in an annexure to the LA1 form.

- v. A legal aid applicant who has been refused leave to appeal by the court of first instance will be deemed not to have a reasonable prospect of obtaining condonation if there is a delay in excess of six months in applying for/petitioning for leave to appeal. However, such legal aid applicant may be granted legal aid at the discretion of the applicable JCE, who shall indicate the exercise of his/her discretion and the reasons therefore in writing on an annexure to the LA1 form.
 - vi. A legal aid applicant whose appeal has been rejected either in whole or in part by the High Court will be deemed not to enjoy a reasonable prospect of success in relation to any further appeal whether in time or out of time.
- (i) The legal aid mandate of a legal practitioner who was instructed on a legal aid basis in respect of the defence of the accused in the court of first instance generally extends, and is not discharged until, such legal practitioner has brought an application for leave to appeal to the court of first instance.
- i. Where however any application for leave to appeal needs to be accompanied by an application for condonation, the legal aid applicant will not only have to apply for legal aid anew but also the applicable JCE will have to be satisfied by the legal aid applicant or his/her legal representative that the contemplated application for condonation has a reasonable prospect of success.
 - ii. Legal practitioners are reminded of their continuing obligation in terms of Chapter 5 paragraph 11 of the Guide to ensure that their legal aid clients continue to qualify for legal aid and of their obligation to draw any change in the circumstances of the legal aid applicant to the attention of the applicable JCE.
 - iii. Whenever possible an application for leave to appeal must be brought on the same day sentence is handed down. Where it is not possible, for whatever reasons, a detailed written explanation as to why it was not possible to bring the application for leave to appeal on the same day on which sentence was handed down must accompany the final report of the legal practitioner. Where the application for leave to appeal was brought on the same day as the imposition of sentence it will be sufficient for the legal practitioner to record such fact and the outcome of the application in his/her final report.
 - iv. If the reason for not bringing an application for leave to appeal is that the accused instructed the legal practitioner not to bring such an application then the instructions of the accused are to be recorded in writing under the signature/mark of the accused. Said instructions are to accompany the legal

practitioner's final report in the matter. The Board will not consider any account for payment until the Board receives the accused's instructions. In the case of a legal practitioner employed at a Justice Centre the applicable JCE will not permit the file to be closed until the accused's instructions are on file. The Standard Form annexed hereto as Annexure 5 is to be used for the purpose.

Provided that no application for leave to appeal shall be launched on a legal aid basis where the accused has not been sentenced to in excess of three months direct imprisonment (i.e. not suspended). If the accused has been sentenced to in excess of three months direct imprisonment but has been given the option of a fine and such fine has been paid no application for leave to appeal shall be brought/continued with and no appeal shall be conducted/continued with on a legal aid basis.

- (j) The mandate of a legal practitioner who was instructed in respect of the trial in the court of first instance terminates once the application for leave to appeal to the court of first instance has been adjudicated upon and the legal practitioner has reported the outcome to the applicable JCE. It is essential that such report should reach the applicable JCE timeously to permit the launching of a petition for leave to appeal to the High Court/application to the Supreme Court of Appeal for leave to appeal in appropriate circumstances. Where leave to appeal has been granted or where there is a possibility of the accused wishing to further seek leave to appeal and where it is likely that the accused will qualify for further legal aid such report to the applicable JCE should be made in writing within three court days of the outcome of the application for leave to appeal being communicated to the legal practitioner. The applicable JCE will forthwith cause a legal aid officer to call upon the accused at the prison at which the accused is detained to obtain a fresh application for legal aid, completed means test (s) and power of attorney from the accused unless the accused indicates that he/she does not wish to further pursue leave to appeal, in which event the instructions of the accused are to be recorded in writing under the signature/mark of the accused.
 - i. Where no application for leave to appeal/petition is brought timeously and where an application for condonation becomes necessary it will be necessary for the JCE to be satisfied by the legal aid applicant or his/her legal representative that the contemplated application for condonation has a reasonable prospect of success.
 - ii. An application to be permitted to lead further/new evidence is not to be brought on a legal aid basis unless the applicable JCE has first been satisfied that the application to lead further evidence has a reasonable prospect of success.

- iii. A legal practitioner who is entitled to bring an application for leave to appeal or to launch a petition shall be entitled to apply on behalf of the accused for bail pending the determination of the contemplated appeal provided the accused was not de facto in detention prior to his/her conviction and further provided that no appeal against any refusal of bail pending an appeal may be conducted on a legal aid basis without the consent of the applicable JCE to be exercised after receipt of a full report on the merits..
- (k) If the accused applies for and qualifies for legal aid to petition the High Court for leave to appeal, or has been granted leave to appeal by the court of first instances and applies for and qualifies for further legal aid, or applies for and qualifies for legal aid to apply to the Supreme court of Appeal for leave to appeal, the applicable JCE must forthwith transmit the application for legal aid, the power of attorney and all supporting documents to the JCE at the seat of the court where the petition/application for leave to appeal/appeal is to be heard. The JCE receiving such documents shall forthwith instruct a legal practitioner either in the employ of the Board or in private practice in respect of the further conduct of the matter.
 - (l) Where any application for condonation is necessary, or when an application to lead further evidence is contemplated, or where an appeal against the refusal of bail pending an appeal is contemplated, it will be necessary for the applicable JCE to be satisfied in advance that the contemplated step has a reasonable prospect of success:
 - i. Where it is necessary to satisfy the applicable JCE that any step has a reasonable prospect of success, a written report must be submitted to the applicable JCE by the legal practitioner instructed by the Board setting out:
 - (aa) the full names of all the contemplated appellants;
 - (bb) a proper description of the court of first instance, the case number and the date or dates of conviction and sentence;
 - (cc) The charge or charges in respect of which the legal aid applicant contemplates an appeal and the sentence imposed in respect of each such charge;
 - (dd) The nature of any evidence wrongly admitted at the trial and the reasons, with authority, for submitting that such was wrongly admitted;
 - (ee) The nature of any misdirection on any point of law by the presiding judicial officer and reasons, with authority, for submitting that such misdirection took place;

- (ff) The nature of any erroneous deductions and/or conclusions reached by the judicial officer and the reasons, where appropriate with authority, for believing that such deductions/conclusions are erroneous;
 - (gg) Whether it will be necessary for the accused to launch an application for condonation and, if so, the precise nature of the condonation required including the extent of the delay to be condoned and the reasons, supported by authority, for believing that such condonation will be granted.
 - (hh) if any application to lead further evidence is contemplated the precise nature of such evidence must be set out together with a detailed explanation as to why such was not available and was not placed before the court at the time of the trial together with any submissions, with authority, as to why such application is likely to be granted;
 - (ii) the prospects of success with reasons for such submissions, in respect of a contemplated appeal against a refusal of bail pending an appeal;
 - (jj) the costs of the contemplated proceedings in terms of the current Board tariff and how such are calculated if the matter is to be conducted on Judicare basis.
 - (kk) The anticipated time to be spent on the matter if such is to be conducted by a legal practitioner in the employ of the Board;
- ii. When an accused applies for legal aid in respect of a contemplated appeal but requires condonation, then the legal aid officer shall determine whether the accused qualifies for legal aid in terms of the directives set out in Chapter 3 paragraph 1.2(d) above and the legal aid officer shall thereafter issue an instruction to a legal practitioner to read as follows:
- “1. To consult with the accused in terms of Section 35(2) of the Constitution.
 2. To apply for leave to appeal.
 3. To proceed with the contemplated appeal and any requisite application for condonation.”

Where an application for condonation is not required the last phrase in paragraph 3 of the above pro forma instruction may be omitted.

- iii. Where an accused who qualifies for legal aid in terms of Chapter 3 paragraph 1.2(d) above applies for legal aid in respect of an appeal within the time limit prescribed for the bringing of an application or leave to appeal, or if leave to appeal has already been refused by the Court of first instance, within the time limit prescribed for the bringing of a petition, the legal aid officer shall issue a legal aid instruction to a legal practitioner which shall read as follows:
 - "1. To assist the legal aid applicant with an application for leave to appeal and/or a petition against conviction and/or sentence under case number handed down by theCourt at.....on....."
 - 2. To report in due course to the applicable JCE on the outcome of the application for leave to appeal and/or petition.
 - 3. To proceed with the contemplated appeal if leave to appeal is/has been granted."
- iv. In other instances the legal aid officer should ascertain whether the legal aid applicant qualifies for legal aid as set out in Chapter 3 paragraph 1.2(d) above and if so satisfied, the legal aid officer should issue a legal aid instruction in favour of a legal practitioner to read as follows:
 - "1. To consult with the accused in terms of Section 35(2) of the Constitution.
 - 2. To report to the applicable JCE on the merits of the contemplated appeal against the refusal of bail pending appeal on the merits of the contemplated appeal/petition/application and to obtain his/her response before proceeding herewith".
- v. Where in any instance a legal practitioner is required to submit a report to the applicable JCE on the merits of the matter the legal practitioner may, pending the reply by the applicable JCE take all such steps on a legal aid basis as are necessary to prevent.
 - (aa) the accused having to apply for condonation provided no application for condonation was already necessary when the merit report was submitted to the applicable JCE.

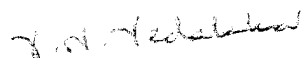
- (bb) the appeal being struck off the roll provided the report was submitted to the CEO at least twelve weeks before the date appointed for the hearing of the appeal.
- vi. Save with the leave of the CEO, only one legal practitioner shall be instructed on a legal aid basis in respect of a criminal appeal
- (m) The fees and disbursements payable to legal practitioners who undertake criminal appeals and/or related matters incidental thereto shall be in accordance with Annexure E. hereto.
- (n) In the event of the CEO exercising his/her discretion vested in him/her in terms of paragraph 2 of Annexure E.2 in favour of any legal practitioner, details of the matter in respect of which such discretion was exercised, details of any increased or additional fees and/or disbursements authorised and the reasons for the exercise of such discretion shall be recorded in a report submitted by the CEO to the Board at its next ordinary meeting.

Be pleased to take notice further that the following definitions are inserted in Chapter 1 paragraph 1 of the Legal Aid Guide.

“ ‘JCE’ means a Justice Centre Executive and is the person in control of the overall management of the applicable Justice Centre. If the JCE is not an admitted legal practitioner any reference in the Legal Aid Guide to the taking of any decision requiring legal knowledge and/or skill shall be deemed to be a reference to such JCE in consultation with a legal practitioner in the employ of the Legal Aid Board who qualifies to act as a principal attorney in terms of the provisions of the Attorneys Act No. 53 of 1979.

‘Applicable JCE’ means a JCE determined by reference to the tables set out in Annexure R. Where there is no applicable JCE the CEO shall delegate the functions of the applicable JCE to one or more legal practitioners in the employ of the Legal Aid Board who qualify to act as principal attorneys in terms of the provisions of the Attorneys Act No. 53 of 1979”.

Yours faithfully



V N VEDALANKAR
CHIEF EXECUTIVE OFFICER

LEGAL AID BOARD



SYNOPSIS OF CIRCULAR 2 OF 2004

27 February 2004

1. The Criminal Procedure Amendment Act No. 42 of 2003 requires accused persons convicted before a magistrate's court to obtain leave to appeal as a necessary prerequisite to an appeal.
2. Legal practitioners instructed in respect of criminal trials in the magistrates' courts must either bring an application for leave to appeal or obtain written instructions from the client not to appeal if their clients are convicted and sentenced to more than three months imprisonment.
3. After the application for leave to appeal has been heard in the magistrate's court the LAB will issue a new legal aid instruction to cover the proceedings in the High Court. If necessary a petition will be launched for leave to appeal. If leave to appeal is granted the LAB will provide legal aid for the appeal provided the accused continues to qualify. If leave to appeal is also refused by the High Court that is the end of the matter from a legal aid perspective.
4. The Circular also deals with incidental matters such as applications for condonation, applications to lead further evidence, bail pending appeal, records and the wording of instructions by legal aid officers.
5. Provision is made for criminal appeals to be dealt with by the LAB on a decentralised basis through applicable JCEs".
6. Finally the circular establishes a judicare tariff in respect of criminal appeals from the magistrates' courts.
7. This synopsis is provided for convenience and is not a substitute for the perusal of circular 2 of 2004.
8. In the event of any conflict between Circular 2 of 2004 and this synopsis the Circular will prevail.

FEES AND DISBURSEMENTS PAYABLE TO LEGAL PRACTITIONERS IN RESPECT OF
CRIMINAL APPEALS

Matters	Appeals to the High Court from the Magistrates' Court	Appeals to the Supreme Court of Appeal or full bench of the High Court
1.1 Report to the Chief Executive Officer of the Legal Aid Board on the merits of a matter.	R145,00	R200,00
1.2. Application for leave to appeal brought on the same day judgment was handed down.	R100,00	R145,00
1.3 Application for leave to appeal brought on a date other than the date on which judgment is handed down and provided the Chief Executive Officer is satisfied that there was good reason for the legal practitioner concerned not bringing such on the date on which judgment was handed down, or alternatively that the legal practitioner attending to the application for leave to appeal is not the legal practitioner who represented the accused on trial	R145,00	R200,00
1.4 Application for leave to appeal on a date other than the date on which judgment is handed down but where the legal practitioner has failed to satisfy the CEO that there was good reason for such application for leave to appeal being brought on another day.	Nil to R80,00	Nil to R120,00
1.5 Petition for leave to appeal to the High court/application to the SCA including all typing, copies and attendances relevant thereto.	R290,00	R400,00
1.6 Application for condonation including all typing, copies and attendances relevant thereto.	R100,00	R145,00

Matters	Appeals to the High Court from the Magistrates' Court	Appeals to the Supreme Court of Appeal or full bench of the High Court
1.7 Application to lead further evidence including all typing, copies and attendances relevant thereto.	R100,00	R145,00
1.8 Application for a copy of a record in terms of Rule 66(9) of the Magistrate's Court, Rule 49A of the Uniform Rules, Rule 52 of the Uniform Rules including all typing, copies and attendances relevant thereto.	R45,00	R45,00
1.9 Necessary perusal of any record after the granting of leave to appeal and pursuant to the issue of a fresh legal aid instruction or where otherwise permitted by the Director.	R1,00 per page	R1,00 per page
1.10 Heads of argument including all typing, copies and attendances relevant thereto.	R400,00	R400,00
1.11 On appearing before court to argue appeal and including the noting of judgment, the final report to the Chief Executive Officer and the report back to the legal aid applicant.	R980,00 This fee includes any consultations or perusal on that day and any application made on that day	R1375,00. This fee includes any consultations or perusal on that day and any application made on that day.
1.12 The fees in the preceding paragraph shall be increased by 25% for each additional accused being represented to a maximum of an additional 150% for all co-accused.	25% extra on 1.11 above for each additional accused up to 7 represented by the practitioner on a legal aid basis	25% extra on 1.11 above for each additional accused up to 7 represented by the practitioner on a legal aid basis
1.13 Any necessary consultation with an accused or a witness whose evidence is yet to be led. Not more than one consultation per accused or per witness.	R145,00	R145,00
1.14 Application for bail pending appeal provided accused was not in custody prior to conviction	R45,00	R45,00

Matters	Appeals to the High Court from the Magistrates' Court	Appeals to the Supreme Court of Appeal or full bench of the High Court
1.15 Necessary travelling costs	R2,50 per kilometer excluding VAT where applicable for a total distance traveled in excess of 200 kilometers (return journey) or economy class airfare whichever is the lesser	R2,50 per kilometre excluding Vat where applicable for a total distance travelled in excess of 200 kilometres (return journey) or economy class airfare whichever is the lesser.
1.16 Necessary accommodation and subsistence expenses. Such must be supported by relevant vouchers and tax invoices. Accommodation and subsistence are not permitted where the practitioner practices less than 200 kilometers (return journey) from the court, which is to hear the matter.	Not more than R500,00 per night excluding VAT	Not more than R500,00 per night excluding VAT.
1.17 Necessary subsistence expenses. Subsistence expenses are not permitted where the practitioner practices less than 200 kilometres (return journey) from the court which is to hear the matter.	Not more than R150,00 per day or part thereof excluding VAT	Not more than R150,00 per day or part thereof excluding VAT
1.18 Other disbursements	As authorised by the Chief Executive Officer in writing in advance	As authorised by the Chief Executive Officer in writing in advance
1.19 VAT on fees and disbursements in respect of those legal practitioners registered for VAT	14%	14%

2. The Chief Executive Officer has a general discretion to agree to special fees in circumstances, which justify deviation from the above tariff.
3. With effect from 1 July 2003 it will not be necessary to submit vouchers in support of a claim for accommodation and/or subsistence.

SUPERVISORS OF LEGAL AID OFFICERS PER JUSTICE CENTRE

EASTERN CAPE JUSTICE CENTRES									
BUTTERWORTH JUSTICE CENTRE	PORT ELIZABETH JUSTICE CENTRE	KING WILLIAMS TOWN JUSTICE CENTRE	GRAHAMSTOWN JUSTICE CENTRE	EAST LONDON JUSTICE CENTRE	ALIWAL NORTH JUSTICE CENTRE	GRAAFF-REINET JUSTICE CENTRE	QUEENSTOWN JUSTICE CENTRE	UITENHAG E JUSTICE CENTRE	UMTATA JUSTICE CENTRE
Idutywa Tsomo	Hankey Humansdorp Kirkwood PatensiePort Elizabeth Steytlerville Uitenhage Joubertina	Alice Fort Beaufort Keiskammahoek Middeldrift Stutterheim Zwelitsha Dimbaza Nobanda	Adelaide Alexandria Bedford Grahamstown Peddie Port Alfred Somerset East Cradock Hofmeyr Pearston Tarkastat	Butterworth Centani East London King Williams Town / Bisho Komga Mdantsane Nqamakwe Willowvale	Burgersdorp Jamestown Lady Grey Sterkspruit Steynsburg Venterstad Barkley East Rouxville Smithfield Zastron	Aberdeen Jansenville Middelburg	Molteno Ntabethemba Cala Cathcart Cofimvaba Dordrecht Elliot Elliotdale Ezibeleni Indwe Lady Frere Molteno Seymore Sterkstrom Whittlesea	Willomore	Engcobo Kwabhaca Libode Macleary Mqanduli Ngqeleni Port St Johns Qumbu Tsolo Bizana Flagstaff Lusikisiki Umzimvubu Mount Ayliff Mount Fletcher Siphagene Ntabethe mba

KWA-ZULU NATAL JUSTICE CENTRES

MAIN ADMIN. OFFICE	EMPANGENI JUSTICE CENTRE	DURBAN JUSTICE CENTRE	PIETERMARTIZBURG JUSTICE CENTRE	LADYSMITH JUSTICE CENTRE	NEWCASTLE JUSTICE CENTRE	PORT SHEPSTONE JUSTICE CENTRE	UMLAZI JUSTICE CENTRE	VRYHEID JUSTICE CENTRE	VERULAM (KWA-DUKUZA) JUSTICE CENTRE
Babanago Claridge Emnambithi Kabokweni Mapumulo Maxesibeni Winterskloof	Empangeni Eshowe Hlabisa Melmoth Mtubatuba Mtunzini Esikhawini Ingwavuma Manguzi Ubombo Inkhayezi Ngwelezane	Chatsworth Durban Empumalanga Illovo Mphumalanga Park Rynie Pinetown Scottburgh Stanger Umbumbulu Umzinto Verulam	Camperdown Greytown Hermannsburg Highflats Himeville Howick Impendle Ixopo Kranskop Msinga Muden New Hanover Phungashe Pietermartizburg Pomeroy Richmond Tugela Ferry Hfanganani Moorivier	Ladysmith Ekuvukeni Bergville Colenso Estcourt Ezakheni Weenen Okhahlamba	Newcastle Dannhauser Enseleni Dundee Glenco Madadeni Utrecht	Port Shepstone Matatiele St Faith's Maluti Tabankulu Umzimkulu Kokstady Harding Hibberdene Izingolweni Kokstad Margate Emzumbi	Emlazi Vulamehlo Vulindlela	Louwsburg Magudu Mahlabatini Ngotshe Nkandhla Nongoma Nquto Paulpietersburg Pongola Simlantgentsha	Verulam Dukuza Ndwedwe

MPUMALANGA JUSTICE CENTRES

MAIN ADMIN. OFFICE	ERMELO JUSTICE CENTRE	MIDDELBURG JUSTICE CENTRE	NELSPRUIT JUSTICE CENTRE	WITBANK JUSTICE CENTRE
Volksrust Wakkerstroom Emlanjani Thulamahashe	Eerstehoek Mayflower Amersfoort Amsterdam Breyten Carolina Elukwatini Piet Retief Standerton	Belfast Groblersdal Marble Hall Mbibana	Barberton Kabokweni Mkomazi Thulamahashe Burgersfort Graskop Lydenburg Nsikazi Sabie Watervalboven White River Mapulaneng Tubatse Mhala	Balfour Bethal Delmas Ekangala Evander Hendrina Kriel Kwamhlanga Mdutjana Mkokobola Secunda Witbank

GAUTENG JUSTICE CENTRES

ALEXANDRA JUSTICE CENTRE	BENONI JUSTICE CENTRE	GERMISTON JUSTICE CENTRE	JOHANNESBURG JUSTICE CENTRE	PRETORIA JUSTICE CENTRE	ROODEPOORT JUSTICE CENTRE	SOWETO JUSTICE CENTRE	VEREENIGING JUSTICE CENTRE
Olifantsfontein Randburg	Benoni Nigel	Edenvale Germiston	Johannesburg	Bronkhorstspuit Cullinan Pretoria Rossllyn Pretoria Pretoria North Soshanguve Cullinan Bronkhorstspuit Mamelodi	Randfontein Roodepoort Krugersdorp	Carltonville Obelholzer Soweto Westonaria	Heidelberg Meyerton Sebokeng Vanderbijlpark Vereeniging Frankfort Heibron Koppies Parys Sasolburg Villiers Vredefort

FREE STATE JUSTICE CENTRES

WELKOM JUSTICE CENTRE	BLOEMFONTEIN JUSTICE CENTRE	PHUTHADITJHABA JUSTICE CENTRE	KROONSTAD JUSTICE CENTRE
Bothaville Bultfontein Henneman Hoopstad Odendaalsrus Virginia Welkom Wesseisbron Winburg Theunissen	Bethulie Bloemfontein Botshabelo Brandfort Dealesville DeWetsdorp Edenburg Excelsior Fauresmith Hobhouse Jagersfontein Koffiefontein Ladybrand Luckhoff Petrusburg Philippolis Reddersburg Springfontein Thaba Nchu TROMSBURG Tweespruit Wepener	Bethlehem Ciocolan Ficksburg Fouriesburg Harrismith Kestrel Memel Paul Roux Phuthaditjaba Reitz Tseki Vrede Warden	Petrus Steyn Edenville Lindley Marquard Senekal Steynsrus Ventersburg Vierfontein Viljoenskroon

NORTHERN CAPE JUSTICE CENTRES

COLESBURG JUSTICE CENTRE	UPINGTON JUSTICE CENTRE	KIMBERLEY JUSTICE CENTRE
Colesburg Danielskruin De Aar Petrusville Phillipstown Richmond (NP)	Lime Acres Sutherland Groblershoop Kakamas Kathu Keimoes Kenhardt Kuruman Olifantshoek Pofadder Postmasburg Prieska Upington	Barkly West Douglas Hartswater Jan Kempdorp Kimberley Pampierstad Warrenton Boshof Herzogville Jacobsdal Britstown Griekwastad Hanover Hopetown Victoria West

LIMPOPO PROVINCE JUSTICE CENTRES

THOHoyANDOU JUSTICE CENTRE	GIYANI JUSTICE CENTRE	LICHTENBURG JUSTICE CENTRE	LOUIS TRICHARDT JUSTICE CENTRE	NYLSTROOM JUSTICE CENTRE	POLOKWANE JUSTICE CENTRE	POTGIETERSRUS JUSTICE CENTRE	PRETORIA JUSTICE CENTRE	VENDA JUSTICE CENTRE
Thohoyandou Tshilwavirusiku Tshitale	Malamulele Naphuno Bololbeda Lulekani Ritavi Namakgale Phalaborwa	Atamalang	Sekgosese Dzanani	Ellisras Naboomspruit Nebo Phalala Saselamani Sekhukhune Sterkrivier	Gamothiba Makuya Bochum Duiwelskloof Lebowakgomo Mahwelereng Pietersburg Potgietersrus Seshego Tzaneen Mokerong Sambo	Maasstroom Rooibokkraal Thabazimbi	Warmbad	Masisi Messina Mutale Sibasa Tiyani Tshaulu Tshilamba Tshilwavirusiku

NORTH WEST PROVINCE JUSTICE CENTRES

MAFIKENG JUSTICE CENTRE	POTCHEFSTROOM JUSTICE CENTRE	GA-RANKUWA JUSTICE CENTRE	KLERKSDORP JUSTICE CENTRE	LICHTENBURG JUSTICE CENTRE	RUSTENBURG JUSTICE CENTRE	VRYBURG JUSTICE CENTRE
Ditsobotla Ditsobotwa Groot Marico Itsoseng Lehurutshe Molopo Zeerust Buhramansdrift	Coligny Fochville Hartbeesfontein Orkney Potchefstroom Stilfontein Ventersdorp	Ga-Rankuwa Brits	Bloemhof Christiana Wolmaransstad	Delareyville Atamalang Ottosdal	Bafokeng Koster Madikwe Mogwase Swartruggens	Kudumane Ganyesa Schweizer-Reneke Taung

WESTERN CAPE JUSTICE CENTRES

ATHLONE JUSTICE CENTRE	CAPE TOWN JUSTICE CENTRE	MITCHELL'S PLAIN JUSTICE CENTRE	STELLENBOSCH JUSTICE CENTRE	CALEDON JUSTICE CENTRE	GEORGE JUSTICE CENTRE	VREDENDAL JUSTICE CENTRE	WORCESTER JUSTICE CENTRE
Athlone Atlantis Bellville Malmesbury	Cape Town Goodwood	Langa Mitchell's Plain Simon's Town Wynberg (WC)	<u>Caledon</u> Grabouw Hermanus Kuilsrivier Paarl Somerset West Stellenbosch Strand Wellington	Bredasdorp Swellendam Napier	Albertinia Beaufort West Calitzdorp Heidelberg (WC) Marraysburg Oudtshoorn Uniondale Knysna Ladismith Mossel Bay Prince Albert Prince Albert Hamlet Fraserburg	Hopefield Laaiplek Moorreesburg Porterville Vanrhynsdorp Vredenburg Clanwilliam Calvinia Carnarvon Garies Port Nolloth Springbok Williston	Barrydale Laingsburg Bonniville Ceres Montagu Piketberg Riversdale Roberts Tulbagh Noupoort

LEGAL AID BOARD

APPEALS FROM LOWER COURTS

State v.....

Case no:.....

Court:.....District/Region:.....

Magistrate:.....

Legal Aid Reference no:.....

I(name)

- hereby elect not to appeal against my conviction and sentence. I realize that if I change my mind that I need to file an application for leave to appeal at the clerk of the court within 14 days of my sentence and need to apply for Legal Aid in the appeal as soon as possible (but not later than 6 months after my sentence)

- Hereby elect to apply for leave to appeal against my
 - Conviction
 - Sentence
 - Conviction and sentence

And wish to apply for Legal Aid in the appeal. I realize that my conviction on the present crime could be replaced by a more serious conviction on appeal and that my sentence could be increased on appeal.

.....(Signature)
Client

.....(Signature)
Legal Representative

If the clients elects to appeal the practitioner shall:

- ✓ Obtain a completed and signed LA1 form from the client;
- ✓ Obtain a completed and signed power of attorney in favor of the Port Elizabeth and Grahamstown Justice centres;
- ✓ File an application for leave to appeal and the power of attorney from within the prescribed 14 day period;
- ✓ Attend to the application for leave to appeal;
- ✓ Submit this form (completed and signed), the LA1 form (completed and signed); a copy of the application for leave to appeal and power of attorney (with the stamp of the clerk of the court thereon) and written confirmation of the outcome of the application for leave to appeal (including date and court of judgment) to Mrs. Keyter at the Port Elizabeth Justice Centre.

If the client elects not to appeal the practitioner shall submit this form (completed and signed) to Mrs. Keyter at the Port Elizabeth Justice Centre.