

REPORT TO COURT SECTION 22

A IN THE MAGISTRATES' COURT FOR THE DISTRICT OF (magisterial district)
 OR IN THE REGIONAL MAGISTRATES' COURT FOR (region)
 OR IN THE DIVISION OF THE HIGH COURT.
 HELD AT (CITY/TOWN)
 CASE NO. X REF NO:

IN THE MATTER BETWEEN THE STATE AND (Surname followed by first names of the legal aid applicant)

1 REPORT BY LEGAL AID SA TO THE COURT UNDER SECTION 22 OF THE LEGAL AID SA ACT 39 OF 2014

1. This report relates to the Honourable Court's order of / / / / 20 requiring Legal Aid SA to evaluate and report on the above mentioned accused's application for the provision of legal representation at State expense under section 35 (3) (g) of the Constitution of the Republic of South Africa Act 108 of 1996.

2 2. The personal circumstances of the accused are as per Annexures hereto*.

3 3.1 The accused is/is not* entitled to legal representation at State expense.*

3.2 Choose the appropriate

- The accused is an employee/ex-employee* of the state and has a right in respect of the charges in question to other legal representation at State expense by or via the State Attorney. (provide details)

- The accused has been charged in the High Court *or*
 The accused has been charged before a Regional Magistrate's Court *or*
 The accused has been charged before a District Magistrate's Court with an offence for which the legislature has provided for increased penal jurisdiction and the offence is one of those specified in the Regulations justifying the grant of legal aid *or*
 The accused has been charged before a District Magistrates' Court with a serious common law offence specified in the Regulations *or*
 The accused has been charged with a serious statutory offence belonging to one of the categories set out
 I have considered the factors set out in the Regulations and have come to the conclusion that the accused is entitled to legal representation at State expense. I am not able to disclose these factors to this Honourable Court as the disclosure thereof could prejudice the trial of the accused *or*
 The nature and gravity of the charge on which the accused is to be tried or on which he/she has been convicted* does not justify legal representation at State expense *or*
 Other (specify)

4 4. *Legal representation at State expense has **already been provided** in this matter and Legal Aid SA has instructed

LEGAL PRACTITIONER of

ADDRESS

C O D E

TEL to represent the accused on / / / / 20

(Date of legal aid instruction)

UNDER (X- reference number).

5

5.*Legal representation at State expense was **previously provided** in this matter, Legal Aid SA having

instructed **LEGAL PRACTITIONER** of

ADDRESS

C O D E

TEL to represent the accused on D D / M M / 2 0

UNDER (X- reference number).

The legal practitioner/s referred to above is/are no longer acting in the matter because:*

5.1 The legal practitioner was dismissed by the accused for good cause

5.2 The legal practitioner was dismissed by the accused without good cause

5.3 The legal practitioner withdrew from the matter through no fault of the accused

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*In addition to the factors set out above Legal Aid SA submits that the following factors should be taken into account.

6.1

6.2

6.3

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7. In the light of the above, the Annexures attached and the provisions of the Legal Aid Regulations, Legal Aid SA recommends that the court should find that:

7.1 The accused can/cannot* afford the cost of his/her own legal representation;

7.2 The accused would, if convicted probably/probably not* be sentenced to imprisonment with or without the option for a fine for a period of more than of 3 months and if given the option of a fine would be unable to pay this within 2 weeks of date of sentence;

7.3 In a criminal trial, adequate legal representation would/would not* make a material difference to the prospects of the accused receiving a fair trial;

7.4. In a criminal appeal, the time for the noting of the contemplated appeal has expired/has not expired and an application for condonation does/does not have a reasonable prospect of success (Supply reasons).

7.5 *A legal practitioner was assigned to the accused to represent him/her, but was dismissed/constructively dismissed by the accused. The accused does not have a constitutional right to the provision of a legal practitioner to represent the accused at State expense.

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8. Legal Aid SA consequently recommends that legal representation at State expense should/should not* be made available to the above accused.

SIGNATURE

NAME

JUSTICE CENTRE NAME

TO: THE CLERK/REGISTRAR* OF THE COURT

AND TO: Corporate Legal Development
Legal Aid SA

Private Bag X76, Braamfontein 2017

Fax: 011-877-2222

* Delete where not applicable.