

## 8.1 PETITIONS FROM THE LOWER COURT

1. The Criminal Procedure Act now provides that an accused who wishes to note an appeal against conviction or sentence of a lower court must first apply to that court for leave to appeal. If such an application for leave is unsuccessful in the lower court, the accused may “ by petition apply to the Judge President of the Court having jurisdiction” for leave to appeal (Section 309B and 309C).
2. The Judge President has directed that in the South Gauteng High Court, Johannesburg, such a petition may be addressed to the Deputy Judge President of this court.
3. The petition from the lower court must be lodged by way of petition procedure (as was formerly the case in the Supreme Court of Appeal) and not by way of notice of motion to the motion court.
4. The petition to the Judge President or Deputy Judge President for leave to appeal against the conviction or sentence of the lower court must be lodged by delivering the original and two (2) copies to the registrar dealing with petitions who shall in turn distribute them to Judges in accordance with the directives given by the Deputy Judge President.