

**IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA**

Cases CCT 148/14 and CCT 149/14

In the matter between:

**BOSWELL JOHN MHLONGO**

Applicant

and

**THE STATE**

Respondent

And the matter between:

**ALFRED DISCO NKOSI**

Applicant

and

**THE STATE**

Respondent

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**APPLICANTS' SUPPLEMENTARY PRACTICE NOTE**

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**The summary of facts filed by the respondent as an appendix to its corrected heads of argument**

[1] The applicants' position is that the prosecution failed to present any admissible evidence against the applicants, and that the applicants should have been discharged at the closure of the prosecution's case. Accordingly, the applicants' position is that the facts contained in the summary filed by the respondent as an appendix to its corrected heads of argument do not constitute facts that are pertinent to the determination of the issues *in casu*.

[2] The applicants deny (as they have consistently done) any involvement in the crime; as such, the facts contained in the summary filed by the respondent as an appendix to its corrected heads of argument are beyond the personal knowledge of the applicants (with the exception of paragraphs 23 and 26 of said summary that relate to the exculpatory statements made by the applicants themselves).

[3] That said, the applicants do not dispute the facts contained in the summary filed by the respondent as an appendix to its corrected heads of argument.

Donrich Jordaan, PhD

Counsel for the applicants (at the request of the Court)

22 February 2015