THE CONSTITUTIONAL COURT OF THE REPUBLIC OF SOUTH AFRICA
HELD AT JOHANNESBURG

CASE NO. CCT 23/01

In the matter between:

DAVID ASHLEY PRICE Applicant

and

THE STATE Respondent

AMENDED NOTICE OF MOTION

Sirs,

TAKE NOTICE THAT the Applicant hereby applies for an order:

1. 1.1 Declaring an unfair trial and setting aside his conviction on two counts of fraud in the High Court of South Africa (South Eastern Cape Local Division) under case number CC54/99, on 11 September 2000;

1.2 ALTERNATIVELY granting Applicant Special Leave to Appeal to the Constitutional Court of South Africa against his convictions;

1.3 FURTHER ALTERNATIVELY granting Applicant leave to appeal to the Supreme Court of Appeal against his convictions;

2. Declaring the petition procedure for leave to Appeal to the Supreme Court of Appeal as being inconsistent with the Constitution and therefore invalid;

3. Directing the Respondent to pay the costs of this application; and

4. Granting such further and/or alternative relief as to the above Honourable Court may seem meet.

KINDLY TAKE NOTICE THAT the Affidavits of DAVID ASHLEY PRICE, WILLEM PETRUS VERMAAK, BELINDA CHERRYL HARTLE and JOHANN LUBBE, annexed hereto will be used in support of this Application.

TAKE NOTICE FURTHER THAT the Applicant has appointed MESSRS JOSE NASCIMENTO of 218 Tramway Street, Kenilworth, Johannesburg, as the address at which he will accept service of all process in these proceedings.

TAKE NOTICE FURTHER THAT if you intend opposing this Application you are required to:

(a) notify Applicant's attorneys in writing on or before 25 June 2001;

(b) within FIFTEEN (15) days after you have so given notice of your intention to oppose the Application, to file your answering affidavit, if any; and

(c) further, to appoint in such notification an address at which you will accept notice and service of all documents in these proceedings.

If no such notice of intention to oppose is given, the Applicant will request the Registrar to place the mater before the President to be dealt with in terms of Rule
10(4).

DATED at PORT ELIZABETH on this the 27TH day of JULY 2001.

VAN ROOYEN ATTORNEYS

Per:
138 Cape Road
Mill Park
PORT ELIZABETH
(REF. B HARTLE/SD/ BH)
TEL. 041 - 373 9286/7
FAX. 041 - 373 9288
JOSE NASCIMENTO
Applicant's Attorneys
218 Tramway Street
Kenilworth
JOHANNESBURG
(REF. J NASCIMENTO)
TEL. 011- 434 3631/2/3

TO THE DIRECTOR OF
PUBLIC PROSECUTIONS
High Court
PORT ELIZABETH
(Advocate M Le Roux)

AND TO THE REGISTRAR
CONSTITUTIONAL COURT
JOHANNESBURG