



CONSTITUTIONAL COURT OF SOUTH AFRICA

Clinton Loyd Houston v The State

CCT 108/12

Date of judgment: 28 March 2013

MEDIA SUMMARY

The following explanatory note is provided to assist the media in reporting this case and is not binding on the Constitutional Court or any member of the Court.

Today, the Constitutional Court delivered a judgment dismissing an application for leave to appeal against a decision of the Supreme Court of Appeal (SCA).

The applicant sought leave to appeal against two sentences imposed on him in separate cases in the KwaZulu-Natal High Court, Durban (High Court) on 28 September 1997 and 27 February 1998.

The applicant was convicted on charges of murder, kidnapping and robbery with aggravating circumstances. On 28 September 1997, he was sentenced to an effective 30 years' imprisonment. Later, he was convicted on charges of murder and two counts of robbery with aggravating circumstances. For these crimes, he was sentenced to an effective 40 years' imprisonment, on 27 February 1998. The court ordered that the sentences be served consecutively. The applicant is thus serving a term of 70 years' imprisonment.

The applicant was refused leave to appeal by the High Court and Supreme Court of Appeal, and on 7 November 2012 the applicant launched an application for leave to appeal to the Constitutional Court. He also seeks condonation for the late application. The applicant contends that his current situation amounts to unfair discrimination in that had he been sentenced to life imprisonment he would have been better off as regards parole than he is now. He submits that a system which makes the granting of parole easier for persons sentenced to life imprisonment – and thus assumed to be unlikely to be rehabilitated or reformed – than for those, like him, who at the time of sentencing were considered to have potential for rehabilitation or reform, is inequitable.

This Court found no grounds for appealing against the sentences imposed in the High Court, as there was no irregularity in the process at that time. The applicant's potential remedies lie elsewhere, if circumstances exist that warrant proceedings for reviewing the parole policies of the Department of Correctional Services.

Leave to appeal was refused.