

LESLEY PATERSON v (1) THE LAW SOCIETY OF ZIMBABWE
(2) THE ATTORNEY-GENERAL OF ZIMBABWE

SUPREME COURT OF ZIMBABWE
CHEDA JA, ZIYAMBI JA, MALABA JA, GWAUNZA JA &
GARWE JA
HARARE, JUNE 7 2007

The appellant in person

H Zhou, for the first respondent

No appearance for the second respondent

**CONSTITUTIONAL APPLICATION IN TERMS OF SECTION 24(6) OF THE
CONSTITUTION OF ZIMBABWE**

CHEDA JA: After hearing the parties in this matter we ordered that it be struck off the roll with no order as to costs. The following are the reasons for that order.

The appellant was a registered Professional Assistant employed by Winterton, Holmes and Hill, a law firm practising in Harare.

Sometime in 2001 she was de-registered following a charge of misconduct brought against her by the Law Society of Zimbabwe (“the first respondent”).

On 7 December 2001 the appellant filed a document with the heading -
“APPELLANT’S NOTICE OF CONSTITUTIONAL APPEAL”

The Law Society and the Attorney General were cited as the first and second respondents respectively. The document was also copied to –

- (1) the Legal Practitioners Disciplinary Tribunal;
- (2) Messrs Atherstone and Cook;
- (3) the Attorney General;
- (4) the Honourable Mr Patrick Chinamasa (Member of Parliament); and
- (5) International Bar Association.

Attached to it were correspondence between the appellant and the Human Rights Institute as well as her photograph and those of seven other persons.

For some reason, which is not clear on the papers, the matter was set down for hearing on 7 June 2007.

On 6 June 2007, the appellant wrote to the Registrar a letter which was stamped at the Supreme Court on 7 June 2007, in which she stated as follows:

“I request you to put this letter which I write ‘without prejudice’, urgently before the Chief Justice, Mr Justice Chidyausiku, and the five Judges who have been appointed (most likely by the Chief Justice) to purport to hear my abovementioned Constitutional Appeal (delivered on 7 December 2001) in accordance with:

- (1) a notice of hearing received 'without prejudice' on 12 March 2007 for hearing on 10 May 2007 and,
- (2) your letter dated 24 April 2007 received 'without prejudice' on 27 April 2007, advising that the purported hearing would take place at 9 am on Thursday 7 June 2007 and,
- (3) the cause list for the fifth week of the term which I uplifted from your Registry at 2:30 pm on Monday 4 June 2007 which confirms that Messrs Cheda, Ziyambi, Malaba, Gwaunza and Garwe JA intend to purport to hear my appeal at 9:30 am on Thursday 7 June 2007."

Attached to this letter is a six page document in which she makes allegations of conspiracy against certain persons.

In this letter the appellant states, among other things, that the record is not ready, and that she does not accept the composition of the Bench.

At the hearing she pointed out also that the matter had not been set down at her instance.

The Court observed that the matter did not comply with the Rules of the Supreme Court in that -

- a) it was not clear if the matter was a Constitutional Application or an appeal;
- b) if it was an appeal, the judgment appealed against was not filed;

- c) If it was a Constitutional application there was no affidavit in support of it;
- d) the grounds of appeal were not stated as required by the Rules;
- e) no Heads of Argument were filed; and
- f) in all, the record had not been prepared for appeal.

There was therefore no valid appeal before us.

It was also noted that since the matter had not been set down at the instance of the appellant no order for costs could be made in favour of the first respondent.

In conclusion we made the order that the matter be struck off the roll with no order as to costs.

ZIYAMBI JA: I agree

MALABA JA: I agree

GWAUNZA JA: I agree

GARWE JA: I agree

Atherstone & Cook, first respondent's legal practitioners