
SOUTH AFRICA / JUDGMENT

S v Brown (CC 50/2010) [2013] ZAWCHC 210 (18 April 2013)

[2013] ZAWCHC 210

COURT

Western Cape High Court, Cape Town

BEFORE

Veldhuizen

CASE / FILE NUMBER

CC 50/2010

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THE REPUBLIC OF SOUTH AFRICA

IN THE HIGH COURT OF SOUTH AFRICA

WESTERN CAPE HIGH COURT, CAPE TOWN

CASE NO: CC 50/2010

DATE: 18 APRIL 2013

In the matter between:

THE STATE

And

JOSEPH ARTHUR WALTER BROWN

JUDGMENT: 18 APRIL 2013

VELDHUIZEN J:

- [1] The accused is indicted before this court on four counts of fraud, two counts of theft, one count of contravening section 1(1)(a) of the Corruption Act, No. 94 of 1992, one count of contravening section 3(b)(ii)(aa) and/or (bb) and/or (cc) and/or 3(b)(iv) or the Prevention and Combating Corrupt Activities Act, No. 12 of 2004 and lastly a contravention of section 4(a) and or 4(b) of the Prevention of Organised Crime Act, No. 121 of 1998.

- [2] Some evidence was presented to us on certain counts, especially counts 1, 2 and 3. The accused then made certain admissions, exh 'E', and then changed his plea to one of guilty on counts 2 and 6. The state closed its case and the accused followed suit. We were not satisfied that the facts admitted by the accused were sufficient to found convictions on counts 2 and 6. An amended statement of admissions were thereupon handed in by the accused. These are contained in exh 'E1'.
- [3] Adv van Vuuren for the prosecution conceded that the evidence regarding count 1 does not prove that the accused had the necessary intention to defraud and as regards counts 3, 4, 5, 7, 8 and 9 is not sufficient to sustain convictions on these counts. In our view this concession is amply justified. The accused is accordingly entitled to be acquitted on these counts and he is found not guilty on counts 1, 3, 4, 5, 7, 8 and 9.
- [4] We are satisfied that the admitted facts contained in exh 'E1' are sufficient to found a conviction on counts 2 and 6 of the indictment. We do not find it necessary at this stage to elaborate on the exact basis for this. The accused is, therefore and in accordance with his plea, found guilty on counts 2 and 6 of the indictment.

A.H. VELDHUIZEN, J

JUDGE OF THE HIGH COURT

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