

SOUTH AFRICA / JUDGMENT

S v Cloete and Another (CA 49/13) [2015] ZANWHC 85 (2 October 2015)

[2015] ZANWHC 85

COURT

North West High Court, Mafikeng

BEFORE

RD Hendricks

CASE / FILE NUMBER

CA 49/13

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CC49/13/gr 2010.10.02

JUDGMENT

IN THE HIGH COURT OF SOUTH AFRICA

(NORTH WEST HIGH COURT)

VRYBURG

CASE NO.: CC 49/13

DATE: 2015.10.02

In the matter between

THE STATE

and

CLOETE. MATHYS JOHANNES

Accused 1

CLOETE. DANIEL NICHOLA.S

Accused 2

JUDGMENT

- LEAVE TO APPEAL

HENDRICKS J:

20 On your behalf applications were made for leave to appeal to either the Full Bench of this division or to the, Supreme Court of Appeal against both the convictions as well as the sentences imposed upon you.

It is incumbent upon an applicant like yourself to show

25 that there is a reasonable possibility that another court, sitting as court of appeal, might come to a different conclusion with regard to the facts of this matter in as far as the convictions are concerned than what this court had arrived at. So too, must you show that a reasonable possibility exists that another court may come to a different result or conclusion with regard

5 to the applicable sentence which is just and fair, than what this court had arrived at.

I have carefully listened to the submissions by your counsel, as well as counsel for the State and I am of the view that there are no reasonable prospects of success on appeal,10 with regard to both conviction as well as sentence. Also with regard to the bail.

ORDER

Therefore the following order is made:

Leave to appeal to either the Full Bench of this division

15 or the Supreme Court of Appeal against the convictions, as well as the sentences imposed upon both accused 1 and accused 2 are refused So too is bail pending a petition for leave to appeal to the Supreme to the Supreme Court of Appeal refused.

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(NORTH WEST DIVISION, MAHIKENG)

CASE NO. CC 49/2015

Held at Vryburg on this the 02nd day of OCTOBER 2015 BEFORE the Honourable Mr Justice RD Hendricks.

In the matter between:

MATHYS JOHANES CLOETE

1st Appliant

DANIEL NICOLAAS HENDRICK CLOETE

2nd Applicant

THE STATE

Respondent

APPLICATION FOR LEAVE TO APPEAL

HAVING read all the documents filed of record and having heard submissions by and ADV. STRYDOM on behalf of the Applicants and ADV. RANTSANE on behalf of the Respondent.

IT IS ORDERED

1. THAT:

Leave to .Appeal to either the Full Bench :if this division or the Supreme Court of appeal against the Convictions as well as the Sentences imposed upon both Accused 1 and Accused 2 are refused.

2. THAT: Bail pending a petition for Leave to Appeal to the SCA in respect of

both accused accused are refused

BY THE COURT

REGISTRAR

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