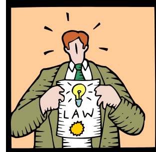
e-MANTSHI

A KZNJETCOM Newsletter

January 2016: Issue 116

Welcome to the hundredth and sixteenth issue of our KwaZulu-Natal Magistrates' newsletter. It is intended to provide Magistrates with regular updates around new legislation, recent court cases and interesting and relevant articles. Back copies of e-Mantshi are available on http://www.justiceforum.co.za/JET-LTN.ASP. There is now a search facility available on the Justice Forum website which can be used to search back issues of the newsletter. At the top right hand of the webpage any word or phrase can be typed in to search all issues.

Your feedback and input is important to making this newsletter a valuable resource and we hope to receive a variety of comments, contributions and suggestions – these can be sent to Gerhard van Rooyen at gvanrooyen@justice.gov.za.



New Legislation

1. The Judicial Matters Amendment Act 2015, Act 24 of 2015 has been published in Government Gazette no 39587 dated 8 January 2016. The Act came into operation on the same day except for sections 5,12,13,14,16,17,18 and 19 which will only come into operation on a date to be fixed by the President. One of the important amendments is that Section 384 of the Criminal Procedure Act, 1955 has now been repealed.

Recent Court Cases

1. S v MACHABA AND ANOTHER 2016 (1) SACR 1 (SCA)

Where the record of bail proceedings has been handed up in a subsequent trial in terms of s 60(11B) (c) of the Criminal Procedure Act 51 of 1977 the court has to assess the whole statement, including any exculpatory part.

In an appeal by the two appellants against their convictions and sentences for murder and robbery, the evidence against the second appellant on which the state relied in part was that in his application for bail he admitted that he was the owner of the firearm used in the killing of the deceased, that was later found in his possession, but that at the time he had lost it and that his younger brother had taken it. As regards the admissibility of this evidence obtained by the handing-in of the record of the bail application in terms of s 60(11B)*(c)* of the Criminal Procedure Act 51 of 1977,

Held, that the handing-in of the bail application was a short cut to achieving the same object as provided for in s 235 of the CPA. The record was prima facie proof that any matter recorded on the record was properly recorded. It was introduced as part of the record of the trial subject to the qualification that it was essential that the accused had to be warned of the consequences of testifying in a bail application prior to its acceptance as part of the record. (Paragraph [27] at 8*b*.)

Held, further, that the principle that when the state proved that an accused made an admission in such statement the court had to assess the whole statement, including the exculpatory part, could also be applied in a similar manner to that applicable to a plea explanation made in terms of s 115 of the CPA, as well as admissions in a bail application. There was therefore no reason why the court could have regard to the incriminating parts of such a statement whilst ignoring the exculpatory ones. (Paragraphs [28] – [31] at 8*c* – 9*f*, paraphrased.) The appeal against the convictions was dismissed and the appeal against sentences was partially successful.

2. S v ASELE 2016 (1) SACR 13 (NCK)

A concession by the state that in a statement in terms of section 112(2) the accused had only dolus eventualis does not bind the court.

The appellant was convicted in the High Court on his plea of guilty to charges of kidnapping, robbery with aggravating circumstances, and murder. He was sentenced to 10 years' imprisonment for the kidnapping; 15 years' imprisonment for the robbery; and to life imprisonment for the murder. The sentences were ordered to run concurrently. He appealed only against the sentence of life imprisonment. The evidence was to the effect that the appellant and three other men were hitchhiking when they saw the deceased alight from his vehicle to relieve himself. They decided to rob the deceased. The deceased tried to escape but fell and was kicked against the head by his attackers, one of whom produced a knife (of which the appellant until then had been unaware), and stabbed him. They bound the deceased's arms and feet and loaded him into the trunk of his vehicle which they then drove off in. They stopped a while later and the attacker with the knife took the deceased and stabbed him in his chest. He fell down and lay there while the four of them took all his belongings from the vehicle and left the scene. They returned later to take his vehicle, at which stage the deceased was still where they had left him. His body was only found sometime later in an advanced state of decomposition. It was contended for the appellant on appeal that the trial judge had misdirected herself in that, in his statement in terms of s 112(2) of the Criminal Procedure Act 51 of 1977, the appellant denied having had the direct intention to kill the deceased but admitted having foreseen that the kick to the head and the stab wounds could result in the death of the deceased, and that he had nevertheless assisted in taking the deceased and associated himself with the knife attack. The prosecutor had accepted the appellant's plea of guilty, together with his factual version in his statement, and the trial judge therefore had no right to find that the appellant had formed the direct intent to kill the deceased. It was contended that the trial judge had furthermore misdirected herself in finding that she was not convinced that the appellant had not promised to cooperate with the prosecution and to testify against his brother and one other accused in the trial, with the ulterior motive of actually eventually helping his brother. In these circumstances the trial judge had erred in imposing a sentence of life imprisonment in respect of the murder.

Held, per the majority, that the fact that state counsel admitted the appellant's plea as it stood did not assist the appellant. The trial court did not read into the plea more than what the appellant admitted. His statement that he was guilty of dolus eventualis was a legal conclusion which he was not competent to make. That fell within the competency of the court and, to the extent that state counsel conceded that only dolus eventualis had been established, that erroneous concession did not bind the court on appeal. (Paragraph [12] at 19*d*–*e*.)

Held, further, on the evidence, the appellant already knew one of his colleagues was armed with a knife and was bloodthirsty, and the irresistible inference, which was the only one on the facts, was that the deceased must have died almost instantly when he was stabbed. By leaving him bound, it fortified the conclusion that the appellant and his partners in crime desired the deceased's death. How it could be suggested or argued that there was no premeditation or direct intention to murder the deceased was difficult to fathom. (Paragraph [10] at 18*g*–*h*.) The appeal was dismissed.

3. S v DAMANI 2016 (1) SACR 80 (KZP)

Although the use of indigenous languages in court should be promoted it is not salutary for a magistrate at his/her own discretion to conduct proceedings in an indigenous language until the issue of language policy in lower-court proceedings have officially been resolved by a competent authority

The accused was convicted in a magistrates' court of assault with intent to do grievous bodily harm and was sentenced to 12 months' imprisonment suspended for five years on certain conditions. The matter was submitted on automatic review and the reviewing judge addressed certain queries to the presiding magistrate, questioning, firstly, the motivation for conducting the whole case in isiZulu and, secondly, why it had taken almost three months to submit the matter on review. The magistrate responded that it was his decision to conduct the whole trial in Zulu as the overwhelming majority of the people of the district spoke the language and all of the participants in the trial spoke Zulu. He also mentioned that the Constitution called for recognition of the equality of all 11 official languages. It appeared further that it had taken almost two months to have the transcription prepared. In the light of this information the reviewing judge sought input on the matter from the Director of Public Prosecutions and the chief magistrate of Pietermaritzburg, as well as the acting chief magistrate of Durban.

After having considered these submissions, *Held*, that it was no doubt a noble idea to use any of the 11 official languages in court, and efforts that were aimed at advancing the status and the use of indigenous languages, particularly in the lower courts at this stage, were to be welcomed and encouraged. However, the process

should be embarked upon in an orderly and less disruptive manner so as to ensure that the finalisation of cases was not unduly delayed. To the knowledge of the court, there did not seem to be proper structures in place that could adequately and timeously attend to the transcription of records from the nine indigenous languages for the purposes of appeals or reviews. It therefore followed that undue delays in finalising those cases would most certainly occur, which would have dire and prejudicial consequences to the accused concerned. (Paragraph [20] at 86*h*.)
Held, further, that, given the fact that a decision by the magistrate, at his or her discretion, to conduct court proceedings in any of the nine indigenous official languages was likely to have administrative and/or budgetary implications on the part of the government or the office of the Chief Justice, it was not a salutary and desirable thing for any magistrate to do this at the present stage, until such time as the issue of language policy in court proceedings in the lower courts was officially resolved and determined by a competent authority. (Paragraph [22] at 87*d*.) The proceedings were in all other respects certified to be in accordance with justice.

From The Legal Journals

Siyo, L & Mubangizi,J C

"The independence of South African Judges: a constitutional and legislative perspective"

Potchefstroom Electronic Law Journal 2015(18)4

Matthias, C M & Zaal, F N

"Suspension of parental responsibilities and rights of an unmarried father"

2016 TSAR 194

Erasmus, D

"Ensuring a fair trial: Striking the balance between judicial passivism and judicial intervention"

2015 Stellenbosch LR 662

(Electronic copies of any of the above articles can be requested from gvanrooyen@justice.gov.za)

Contributions from the Law School

The duty to support the indigent elderly in South Africa: A public or private duty?[1]

With the publication of the Taxation Laws Amendment Act 25 of 2015 in January 2016, the financial status of the elderly was again highlighted by the public controversy the Act caused. The stated aim of the legislature in the Explanatory Memorandum was to "harmonise the tax treatment of contributions across all retirement funds": placing a limit on the lump-sum single payment at retirement and providing that two-thirds of the value of retirement value be paid into an annuity. These forced preservation measures by the state should be seen in light of statistics that suggest that only about 5% of South Africans save enough to retire adequately – often having used their retirement benefits during their working life for the settling of debt (Sanlam *Benchmark Survey 2015. Pensioners Databook* (2015) 11). Consequently, many of the elderly cannot support themselves later in life and thus become dependent on their families and/or the state.

There are also changing attitudes towards the elderly as a result of the loosening of family ties in South Africa. The structural disintegration of the South African family is well documented. The 2013 Statistics South Africa Report (at 95) comments that the traditional assumption that extended families and the community will take care of the indigent elderly is not necessarily the case anymore, as "many families are simply too disjointed to look after the well-being of older persons. In fact, older persons are increasingly required to play an active care and support role in their respective households."

Should the burden of support of the indigent elderly remain where it is – shared between the filial relations and the state? This question has led to prolific research and debate in America. The arguments raised in favour of assigning the care of the elderly to financially able adult children are mostly based on their relationship and the tax burden that will be placed on government should the burden be exclusively shifted to the state. Arguments against filial duty are based on the loosening of family

[1] The full article has been submitted to a peer-reviewed scholarly journal.

bonds and reasons of public policy. There is little research in South Africa on this point.

Although the American arguments are also valid here, the South African elderly face additional problems – adding a further dimension to the discussion. HIV/AIDS and its impact on economically active family members increases the burden on the elderly – either as the economically active children have passed away and there are no offspring to approach for support, and/or the elderly are themselves required to assist younger family members (*Stats SA Report* 93). There is also evidence that speaks to the inadequacy of the elderly grant and the financial and emotional abuse experienced by some of the elderly at the hands of their children, neighbours and even institutions – to access their grants.

South Africa has a dual support system for the indigent elderly – both private and/or public in nature – depending on the individual's circumstances. On the one hand, in terms of common law, the burden of support of indigent parents falls on their financially able children. On the other hand, the state also has a duty to support the indigent elderly where necessary, as the Constitution recognises social assistance as a basic human right. This state support is in the form of a "non-contributory and income-tested benefit provided by the state … [b]enefits [that] are financed by general tax revenues" (NDP 329), but this duty should be seen against the constrained fiscal position of the state.

The boundaries of each system and the interaction between them are, however, not always explicit. Should the resources of the children first be exhausted before the burden falls onto the state? Or, is it the other way around – that the resources of the state first be accessed, before the burden falls onto filial relations? Or, can the indigent elderly source support from both private and public funds simultaneously?

The profile of the elderly in South Africa should be noted as contained in the Stats SA Report (93-95; 102-3): The number of older people in South Africa over the age of 60 years increased to more than 4 million in 2012: 7.7% of the total population. More of the elderly live alone than any other age group. The living arrangements of the elderly depend on their financial situation and although the household composition headed by older people is different by population group, "the majority of persons in poorer population groups, particularly black Africans and coloured people, were living in extended households where resources could be shared more easily." Households headed by older black Africans were more likely to have had a low income (56,5%) compared to households headed by elderly people of other groups: Coloured (33,6%), Indians/Asians (17,7%), and Whites (4,6%). Although most households rely on a variety of income sources: salaries and wages, government grants, remittances and private pensions – in 2012, 66,3% of elderly-headed households considered grants and pensions to be their main source of income, with 68,4% of older persons receiving some kind of social grant. It is clear that old-age grants make a significant contribution to the income of many households, and often

are the only source of income.[2] It is within this context that the various legal principles should be debated.

According to the South African common law, children owe their indigent parents a duty of support if the parent is indigent (question of fact) and the child must have the financial means to support the parent.

In most cases the indigent parent brings the claim personally, although there are a few cases reported where the parent litigates against the child directly – most judgments deal with insurance claims based on the road accident legislation. There is evidence that some parents are reluctant to claim maintenance directly from their children. They do not want to be a burden on their children or place an unequal burden on some children, as all the children may not have the same financial ability to assist, or regard it as undignified or embarrassing, for fear of negatively impacting on familial relationships.

If the duty to support cannot be exercised upfront, a third party may have recourse against the children to recover the contributions not made based on *negotiorum gestio,* or unjustified enrichment. The scope of the maintenance is more austerely than a claim by a child against a parent and may extend to grandchildren should there be no spouse or children able to provide the support.

Another issue to be raised is whether the duty on adult children to support their indigent parents is constitutional. Does it not offend the equality clause because of the potential difference in the treatment of parents by their children based on their different financial abilities? Or, do these distinctions fall within the limitation clause, as a limitation that is reasonable and justifiable in an open and democratic society? It is submitted that it is constitutional in that it is justified, taking into account the various factors set out in s 39 of the Constitution.

[The constitutional issues have been raised in America, where the statutes enforcing these duties have been found to be constitutional: as the aim of the principle is to relieve the state of the burden of caring for the destitute elderly, it serves a legitimate state purpose. The court in *Swoap v Superior Court* 10 Cal.3d 490, 506 (1973), found that the principle did not breach the constitutional principle of equal protection. The classification was found to be rational in that the parents are now in need, and they supported and cared for their children during their childhood and "since these children received special benefits from the class of 'parents in need', it is entirely rational that the children bear a special burden with respect to that class." It is submitted that similar arguments can be raised in South Africa.]

The duty on the state to support the indigent elderly is set out in the Social Assistance Act 13 of 2004. To be eligible for the grant, the elderly person must either be a South African citizen, a permanent resident or a refugee over 60 years of age,

[2] Stats SA Report 93.

and must live in the country and meet the financial criteria set out in the Act and the regulations. The applicant may not derive benefit from another social grant and may not be maintained in any state-funded institution or otherwise be funded by the state. The maximum amount of an older person's grant is R1410 for older persons between 60 and 74 years and R1430 for those who are 75 and older. Where the applicant is maintained in a State institution, the grant is reduced to 25% of the maximum amount of the grant.

The procedure for application is prescribed and the South African Social Security Agency (SASSA), established in terms of the South African Social Security Agency Act 9 of 2004, is responsible for the payment of the grants.

Grants for the elderly should not be seen in isolation, as older persons are entitled to free primary healthcare services and old-age grant beneficiaries are also eligible to receive free secondary healthcare services at public hospitals.

From the discussion above, it is clear that there are many differences between the common law and state duties to maintain the elderly: the source of the duty (common law versus statutory duty), the funding (private versus public funding), and the implementation thereof (agreement or court order versus a statutory obligation). The state grant is also a limited amount – but a common law claim is dependent on the living standards of the parties. In addition, the state grant is only given prospectively, while a civil action can be brought in terms of the common law to retrospectively be refunded for maintenance sums already paid by a third party in supporting an indigent parent.

As far as the interaction of the two systems is concerned, no specific provisions are made. Heaton *Family Law* 321 notes that it is “the state’s duty to step in if the … family fails or are unable to meet their obligations,” indicating that the duty falls on the family first. However, where a parent qualifies for maintenance from a child, there is nothing prohibiting the same parent from also claiming the state grant, although the maintenance paid by the child will be taken into account. Similarly, where the indigent parent receives a state grant, this should be included in the calculation of the maintenance claim against the child.

Wise submits that the shared responsibility should remain (Wise 2002 *Legislation and Public Policy* 565). He argues that the state should empower children to support their parents through a variety of programmes and strategies: tax deductions, leave benefits and workplace support combined with public services. In addition, loans for incorporating fixtures to accommodate homecare for the elderly should be considered – as well as other caregiver payment programmes. It is submitted that all these options are also viable options within the South African context, and the state is already moving in this direction with the Tax Laws Amendment Act. From a policy perspective in South Africa, the state cannot afford to support all indigent parents, as

this would create an unfair financial burden on the state. Financially able children should however be required to assist with the support of their indigent parents.

There are several solutions that can be suggested in the civil sphere to ensure that the elderly are properly cared for at retirement: Education, financial planning and insurance during the lifetime would ensure private resources when they are required and will ease the burden – but in a country like South Africa where poverty is rife, this is not an option for all citizens. The legislature may consider amending the labour laws, extending family medical leave to ensure families have the time to care for their elderly without fear of unemployment. With expansion of other state social welfare assistance like university fees and a national health system – citizens could be enabled to make provision for their old age. Another option may be a personal service contract between parent and child may, where the duties, rights and responsibilities – both financial and otherwise – are set out upfront, although this may be problematic.

Marita Carnelley & Mothokoa Mamashela

University of KwaZulu-Natal

Matters of Interest to Magistrates

Desperate and divided: South Africa has had enough

5 February 2016

Increasingly, South Africans from all walks of life are mobilising for change. Many resort to public protest in the hope of galvanising government to improve its performance and do something about unacceptable levels of unemployment and poverty. Last year saw widespread community-level protests, along with large-scale student protests popularised by the #FeesMustFall slogan.

Are South Africans reaching the end of their tether? Most protest action relates to bread-and-butter issues and inadequate government performance.

For instance, half of the 2 322 incidents of protest and industrial strike action recorded between January 2013 and December 2014 by the Institute for Security Studies' public violence monitor related to community services (25%) or labour matters (23%). A further 11% of gatherings related to protests against crime or bad policing. Mob justice or vigilantism constituted 161 incidents or 7% of public violence reported. Last month, the severity of vigilante action was illustrated by events in the town of Parys, where four farmers were charged with the murders of two suspected farm attackers.

Similarly, in September last year, community members in Etwatwa killed three teenagers suspected of criminal activities. These cases demonstrate ordinary South Africans' high levels of frustration with rising crime and what they perceive as the police's inability to keep them safe.

The extent of public violence is arguably also linked to broader factors, such as high levels of unemployment and inequality, the weakening rand and a protracted drought, which has brought many rural communities to their knees. Confidence in politicians – notably President Jacob Zuma, members of parliament (MPs) and local government leaders – has also been declining. The 2015 Afrobarometer survey released at the end of November on South Africans' confidence in the president shows that two thirds of adults polled distrust President Zuma.

More significantly, half of those who consider themselves African National Congress (ANC) supporters also mistrust the president. The survey found that public approval of Zuma's performance decreased dramatically from 64% in 2011 to only 36% in 2015. The president's shock dismissal of former finance minister Nhlanhla Nene not only spooked the markets and crippled the country's economy, but also provoked further dissatisfaction with the president – as evidenced by the #ZumaMustFall campaign.

The Afrobarometer survey also found that approval ratings of local councillors have dropped by 10% since 2011. Overall, only 39% of South Africans approve of their elected local government leaders and 42% approve of MPs.

Afrobarometer's poll on perceptions of government's performance showed that 80% of people feel government is performing 'fairly badly' or 'very badly' in fighting government corruption, narrowing income gaps (78%), reducing crime (77%), creating jobs (77%) and keeping prices down (76%). Given the deterioration of public trust in political leaders, it is not surprising that levels of community protest and public violence have been on the rise in recent years.

This year's local government election results will reveal whether or not increasing frustration will affect voting patterns. For many, protests are a way to express dissatisfaction with their elected party without voting differently. Although the ANC achieved 62% in the 2014 national elections, this comprised only 35% of the voting-age population who cast their votes for the party, down from 58.3% in 1994.

Two out of three voting-age adults either did not vote, or voted for an opposition party – while only one out of three voted for the ANC. Yet, if the 2014 national elections are anything to go by, more people may start articulating their disapproval through voting for political parties other than the dominant ANC. For many people, however, voting is not seen as an effective way to improve government service delivery, and public protest is viewed as the only way to try and affect positive changes.

In their campaigns in the upcoming local government elections later this year, one should expect political parties to explain how they will create jobs, improve services and reduce crime at a local level. The Afrobarometer shows that 71% of respondents believe that unemployment is the largest challenge that government should address. A quarter of respondents believe that housing and crime (both 27%) are the most pressing issues; followed by education (22%), poverty (19%) and corruption (17%).

Arguably, many local power elites are not focused on improving conditions of the communities they are supposed to serve – as shown by the state of disarray of most local government finances. Rather, some local politicians are more likely to try and distract voters from their own governance failures. One way of achieving this is by blaming marginalised groups such as foreign nationals for local problems, which may then erupt into violence, such as xenophobic attacks and vigilantism.

Given that many local-level politicians see government primarily as a means of self-enrichment, rather than serving communities, it is expected then that competition will be fierce and levels of electoral violence will be higher than that experienced in the 2014 national elections.

It is therefore important that political party leaders are seen to take a strong position against any forms of prejudicial or hate speech. If not, suspicion and divisions will flourish and we can expect to see further rises in violent public protests, xenophobic attacks and vigilantism.

Lizette Lancaster, Manager: Crime and Justice Information Hub, Governance, Crime and Justice Division, ISS Pretoria

A Last Thought

New Release

Questioning: The Undefended Accused – Practical Examples for Magistrates

Volume 1B (SECOND edition)

Author: Advocate DJ Steyn

A4 soft cover

ISBN: 978-09946768-2-5

Pages 875

Available: October 2015

Price: R969-00 (VAT included) for both PART 1 and PART 2

Overview

Questioning: The Undefended Accused – Practical Examples For Magistrates **series** is a quick reference guide to *criminal law*, the *law of evidence* and

The *law of criminal procedure*, **blended together** in a *practical* approach. This book is the most practical and to the point explanation of what magistrates can encounter in the questioning of an *undefended* accused appearing before them in a criminal matter. **Judges**, **magistrates**, **public prosecutors**, **legal representatives**, **law students**, the various exponents of the **police service** and **traffic law enforcement** will derive great benefit from this convenient title. Theory is balanced by practical examples on how to question an *undefended* accused on each different offence.

Contents

• Housebreaking with the intent to steal and theft
• Malicious damage to property
• Theft
• *Section 36*: Inability to give a satisfactory account of possession of goods suspected to have been stolen goods
• *Section 37(1)*: Receiving stolen property without reasonable cause
• *Section 1(1)*: Unauthorised borrowing of the property of another for own use
• *Failure* to pay maintenance
• Domestic violence: *Failure* to comply with a protection order
• Driving while *under the influence* of intoxicating liquor OR a drug having a narcotic effect
• Other *traffic* offences
• Bibliography
• Table of cases
• Table of statutes
• *Pro formas* to assist the magistrate, for example:
_ *Section 37(1)* of the General Law Amendment Act 62 of 1955: Explanation of the *existence* and *meaning* of the *evidential* provision in *section 37(1)* of the General Law Amendment Act 62 of 1962
_ *Section 1(1)* of the General Law Amendment Act 50 of 1956:

Explanation of the *existence* and *meaning* of the *evidential* provision in *section 1(1)* of the General Law Amendment Act 50 of 1956

_ Explanation of the *existence* and *meaning* of the *evidential* provision as contained in *section 31(1)* of the Maintenance Act 99 of 1998

_ Explanation of the *existence* and *meaning* of a defence of a lack of means as contemplated under *section 31(2)* of the Maintenance Act 99 of 1998

_ *Sentence:* Failure to pay maintenance: *suspended* sentence coupled with an order to *pay back* the amount maintenance which is in arrears

_ *Sentence:* Failure to pay maintenance: *suspended* sentence coupled with an order to *pay back* the amount maintenance which is in arrears

_ Admissions in terms of *section 220* of the Criminal Procedure Act 51 of 1977

_ *Sentence* (with regard to convictions in terms of **section 65(1)(a)**, **section 65(1)(b)**, **section 65(2)(a)**, **section 65(2)(b)** and **section 65(5)** of the National Road Traffic Act 93 of 1996

_ Proceedings in terms of *section 35* of the National Road Traffic Act 93 of 1996

_ Enquiry in terms of *section 103(1)* / *section 103(2)* of the Firearms Control Act 60 of 2000

_ Notification in terms of *section 103* of the Firearms Control Act 60 of 2000

How does this book differ from other books on criminal law?

Various “blank” *pro forma* sheets listing the required questions, explanations, and legal procedures for use in a criminal court are included in a separate appendix at the end of this work to ease the reproduction of these *pro formas* should the reader wish to do so.

Key Benefits:

• A quick reference guide for acting or newly appointed judges who must decide whether criminal cases (which comes before them by means of automatic review) were indeed conducted in accordance with the law in the district court by the presiding magistrate.
• A quick reference guide for acting or newly appointed magistrates presiding in criminal cases where the accused is *undefended*.
• Public prosecutors and legal practitioners will benefit from the inclusion of examples of charge sheets included in the practical examples of a plea of guilty of an undefended accused in terms of section 112(1)(b) of the Criminal Procedure Act.
• Public prosecutors will benefit from the practical examples of how to address the court at the various stages of the court proceedings.
• Law students can use this work effectively in their preparations for *moot courts*.

Of Interest to:

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About the author:

Educational qualifications

1) **B. Iuris** degree (University of the Orange Free State);
2) **B. A. (Psychology** & **Sociology**) degree (University of South Africa);
3) **LL.B** degree (University of South Africa)

Relevant experience

1) Was a **station commander** in the South African Police Service.
2) Was a **public prosecutor** and a **magistrate** in the Department of Justice in South Africa for almost **20 years**.
3) Practiced private as an **advocate** for several years.
4) Was a **part-time lecturer** in *Criminal Law* at the Technikon SA.

Membership of societies

Admitted as **advocate** of the High Court of South Africa

Published works

1) *Questioning: The Undefended Accused – Practical Examples for Magistrates* (Juta) (2011)
2) *Questioning: The Undefended Accused – Practical Examples for Magistrates – Volume 2* (LexisNexis) (2014)
3) *Questioning: The Undefended Accused – Practical Examples for Magistrates – Volume 1A* (2nd edition) (LexisNexis) (2014)
4) 6 academic articles on *sociology of law*.