



**HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)**

Not reportable

Not of interest to other Judges

CASE NO: CC 139/2012

In the matter between:

EDWARD CHARLES DE BEER

and

THE STATE

3/2/2017
Applicant

Respondent

J U D G M E N T – Leave to appeal

MAKGOKA, J

[1] The application for leave to appeal was drafted by the applicant in person, and as expected, it is couched in generic terms, in respect of both the convictions and the sentences. However, Ms *Frazer*, who represented the applicant during the trial, argued this application on behalf of the applicant.

[2] The common law test in an application for leave to appeal has always been whether there are reasonable prospects that another court, given the same set of facts, might arrive to a different conclusion. That test has been codified by

s 17(1)(a)(i) and(ii) of the Superior Court Act 10 of 2013, in terms of which leave to appeal may only be given where a judge is of the opinion that the appeal would have reasonable prospect of success, or that there is some compelling reason why the appeal should be heard.

[3] I have had careful regard to the submissions by counsel in respect of both issues. All the relevant factors received full treatment in the judgment and no purpose would be served by regurgitating them here. I am not persuaded that another court would come to a different conclusion, either on the convictions and the sentences. In the result the application for leave falls to fail.

[4] The following order is made:

1. The application for leave to appeal against the convictions and the sentences in respect of counts 1 and 2 is dismissed.



T.M. Makgoka
Judge of the High Court

APPEARANCES:

For the Applicant: Ms. L. Frazer
 Instructed by:
 Middelburg Justice Centre

For the Respondent: Adv. K. Germishuis
 Instructed by:
 Director of Public Prosecutions, Pretoria