

**FREE STATE HIGH COURT, BLOEMFONTEIN**  
**REPUBLIC OF SOUTH AFRICA**

Review No. : 420/2012

In the review between:-

**THE STATE**

and

**POLOKO MATSOSO**

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**CORAM:** KRUGER, J et MOLEMELA, J

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**JUDGMENT BY:** KRUGER, J

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**DELIVERED ON:** 22 NOVEMBER 2012

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- [1] This is a special review. Accused pleaded guilty and was convicted on a count of housebreaking with intent to steal and theft. The accused admitted two relevant previous convictions. The State requested a pre-sentence report with a view to a possible sentence of correctional supervision. From the report it appeared that the accused denied the commission of the offence to the correctional officer. The magistrate questioned the accused on his plea of guilty and the accused told the magistrate that he had been forced by the investigating officer to plead guilty.

[2] The magistrate requests, in view of the fact that he is now aware of the previous convictions of the accused, that this court set aside the conviction and remit the matter for trial before another magistrate.

[3] **ORDER**

1. The conviction of the accused by magistrate A.D. van der Merwe is set aside.
2. The accused's plea of guilty is set aside.
3. The trial is to commence afresh before another judicial officer.

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**A. KRUGER**

I agree.

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**M.B. MOLEMELA, J**

/sp