



THE SUPREME COURT OF APPEAL
OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE
SUPREME COURT OF APPEAL

24 March 2016

STATUS: Immediate

DE VILLIERS v THE STATE (20732/14)

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

The Supreme Court of Appeal (SCA) today dismissed on appeal against the dismissal of a review application by 2 Judges of the Free State Division of the High Court (Bloemfontein), sitting as a review court. The SCA held that such a court is a court of first instance as contemplated in s 16(a) of the Superior Courts Act and is thus competent to grant leave to appeal to the SCA in terms of s 16(1)(a)(ii). On the merits, the SCA held that the common cause and proved facts did not bear out the appellant's claim that he had pleaded guilty under duress in the regional court to theft. It was the appellant's case that his attorney and advocate had exerted pressure on him to plead guilty against his will.

The appellant, a qualified accountant, acted as financial advisor to Ms A Wiese. In that capacity he administered the deceased estate of Ms Wiese's late husband. On the appellant's advice Ms Wiese had made out a cheque in the sum of R950 000 to a trust operated by the appellant, known as the Taakmeesters Trust. According to her, the appellant was mandated to invest this money in a money market account where, as the appellant had advised her, the money would accrue more interest. On the admitted facts the appellant had failed to execute his mandate and had instead advanced money as bridging finance to various entities, including some in which he had an interest. Save for an amount of R50 000, no money was ever repaid to Ms Wiese before the Trust was sequestrated.

The SCA upheld the high court's finding that on all the evidence the appellant had pleaded guilty of his own volition and without any undue influence. The appeal was consequently dismissed.

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