

**In the MAGISTRATES COURT for the REGIONAL DIVISION of LIMPOPO
PROVINCE HELD AT LENYENYE**

CASE NUMBER : RN126/13

DATE : 2014-01-09

RECORD OF PROCEEDINGS

The STATE versus Blue Platinum Ventures PTY LTD and Matome
Samuel Maponya

10

BEFORE PRESIDING OFFICER : MRS CT HONWANA

FOR THE STATE :



FOR THE DEFENCE:

MR. MOTSIRI

INTERPRETER :

MR MOCOBE

20 CHARGE - (SEE CHARGE SHEET)
PLEA - (SEE CHARGE SHEET)

COURT RESUMES ON 30 JANUARY 2014

PROSECUTOR: May it please the court your worship I beg leave to call matter RN126/13 state v Blue Platinum Ventures PTY LTD represented by Matome Samuel Maponya.
10 Appearances today is 30 January 2014 presiding officer is Mrs Honwana, public prosecutor is [REDACTED] on record for the first time is Advocate Mashimbye from the Asses for Future Unit from the National Prosecuting Authority and the defence is Advocate Motsiri assisted by Mr Raphiri.

Your Worship matter was adjourned until today for both the defence and the state to address the court on sentence and the sentencing by the honourable court. Your worship the state does not prove any previous convictions against the accused.

20 COURT: Address on sentence defence?

MR MOTSIRI: Your Worship the defence wish to lay the defence and a plea of non custodial ramification in respect of the matter. The following premise must be that the accused in question had not wasted the courts with tendering a plea in this regard in which juncture the accused plea for leniency in that regard your worship.

Secondly and most importantly your worship the

entity in question being accused 1 in this regard is not functional to be profitable your worship. Thirdly most importantly your worship accused being accused 1 has not amassed substantial properties in this regard to warrant it to be regarded as affluent and in financial position to disperse of business of the day. But most importantly your worship the accused also pleads and it makes as an offer on the charges as proven against him an offer of rehabilitation of the consent area your worship in regard to that.

10 Off course on the basis of what the state will be able as per application for the rehabilitation can quantify an amount to deal with such rehabilitation your worship. This is offered without even though it is a concomitant requirement in law the accused offers that as a reciprocal acknowledgement of its guilt in this regard your worship.

 In that regard the accused wishes for leniency in that regard as would have been discussed with prosecution with what the custodial offer would be your worship. Unless your worship wants me to address your worship on something in
20 particular.

COURT: Is he married?

MR MOTSIRI: Your Worship let me just get instructions.

COURT: Does he have children, his financial commitments, is he still employed?

MR MOTSIRI: Your Worship I wish to kind of follow the

questions that your worship asked but also subject to that the court understand that this plea is a plea nomino officio. The accused tenders a plea in that the accused is not employed at the moment your worship and he is not deriving any benefits nor is he functional in a peculiar, considerate employment. That accused is also married your worship with three minor children. That notwithstanding the accused is in support of the liability of the three minor children your worship.

COURT: Are the children attending school and if that is the case are they tertiary, high school, and preschool, what is happening? His financial commitments?

MR MOTSIRI: Your worship my instructing is that accused's children one is in tertiary institution, one is at middle school the other one is at primary and the wife is in subsistence with the children's wellbeing your worship inclusive off course of the accused himself.

COURT: Is that all?

MR MOTSIRI: Besides the fact that my learned colleague indicated to the court that there are no previous convictions or pending conviction. That will be the sum total of the plea to your worship.

COURT: Address on sentence PP?

PROSECUTOR: May it please the court. Your Worship on sentence it is the state's submission that although the accused pleaded guilty in terms of Section 112 of the Criminal

Procedure Act 51 of 1977 it is my humble submission that the offence of which the accused's company has been convicted on is a very serious offence. Your Worship it is my submission that the court is not dealing with an ordinary person, the accused was involved during the process of the application. He applied to the department of minerals, he also applied to the department of water and the department of environmental and I believe to the province as to tourism.

Your Worship all these applications were done
10 through experts. The accused commenced or allowed his company to commence with listed activities without authorisation knowing very well that the documents that he had supplied to the experts to assist him in the application had some shortcomings in the sense that he was requested by the experts to supply outstanding documentations and he did not do that.

He nevertheless went ahead with the activities and even at that time when the application was done your worship they had already commenced with this listed activities without
20 authorisation. The applied for rectification to the department, when they were requested to submit information such information was not forthcoming through their experts.

Your Worship will notice on the photographs that we handed in there are five areas that were effected and these five areas will require rehabilitation to be done. Your Worship

will notice that in some of the photographs that were handed the area where the activities were taking place are next to a residential area. There are houses next to that area and these houses are now exposed as a result of the conduct of the accused's company. The first area your worship was the brickyard area and the second area was Kghosi mining and the third area was Hilltop Mining Pit, the fourth area was Hilltop mining pit, the fifth area was Hilltop above the brickworks.

10 Your Worship will notice on the pictures that there were serious soil erosions in all these areas. Your Worship it is my submission that this was a crime of greed it was not a crime of need. The accused registered his company fully aware that here are processes that he had to go through before they could commence with the listed activity.

Your Worship on the question of rehabilitation the quantum thereof it is my submission that for the accused to do the rehabilitation there are certain guidelines issued by the Department of Minerals and Energy for rehabilitation of
20 mining development.

The accused can not just go on site and start rehabilitation on his own. He has to follow certain guidelines. This rehabilitation has to be in terms of regulation 54 of the Mineral and Petroleum Resources Development Act 2002 that is Act 28 of 2002. The contents of the provision of

rehabilitation must be based on the approved environmental management plan. The assessment has to be based on the inspection of the site and the baseline start to be done of the environment as set out in the guidelines. The quantum for rehabilitation assessment of the environmental rehabilitee are determined by the department your worship. It is not determined by the accused. The accused can not come to court and offer quantum for rehabilitation. The department is responsible to do that.

10 Your Worship it is my submission that there is a prescribed penalty clause in terms of the National Environmental Management Act as far as this contravention of these listed activities is concerned your worship. Your Worship is in a very difficult position the accused has not taken a stand to explain under oath to the court why he did what he did to take the court in his confidence.

 This is not a trivial matter it is a very serious matter. it may look trivial in the eye of an ordinary person but it has got serious environmental impact as far as that area is
20 concerned. During rainy seasons like this the houses next to that area are exposed they may collapse.

 There is a river along that area it is a well known river and all this extraction was conducted from a very sensitive area. Your worship the accused's company it is my submission that they benefited in the crime that they

committed. There was financial benefit your worship, they were manufacturing clay bricks and those bricks were sold to members of public. The accused's company did not have a licence on the other sides they only had licence to conduct activities on the other side. Your Worship may I just take instructions on this aspect, I just want to make sure that I address the court properly?

COURT: Yes.

PROSECUTOR: Your Worship the information we have is that
10 they only had licences or a permit on two sites, the other three sites they did not have a permit to conduct activities.

COURT: On how many sites?

PROSECUTOR: Two sites. The licence was granted for those sites and by the time the accused and I submit with respect that this is an aggravating factor, by the time the accused commenced with the activities in question their mining rights licence had lapsed.

They were supposed to perform this activity within a particular period after the mining rights licence or permit was
20 granted by the department. I submit your worship that this is an aggravating factor that the court should take into account.

The fact that accused pleaded guilty to the offence charged I submit with respect that it is not a mitigating factor. Even if he did the state had a strong case against the accused, he was cornered he could not run away, the

company could not run away. The state had strong evidence against the company. It is my submission that an appropriate sentence should be enclosed by the honourable court. The court order that the company should initiate the rehabilitation process. Your Worship may I just approach the defence?

Your Worship it is my submission that the order should be made as part of sentence that the accused's company should initiate the rehabilitation process by approaching the department with an environmental
10 management plan based on the guidelines by the department of the department by the end of February.

That the, I do not have the full details of how the internal processes work in the department. Whether how are they going to put this rehabilitation process your worship, I would like to believe that the department and the accused would liasse to discuss this aspect of rehabilitation because if the company does not comply with certain guidelines I do not know whether it will amount to contempt of order.

I would like to believe that that would amount to a
20 contempt of court. So my submission is that by end of February that is 28 February the accused should have initiated the rehabilitation program by approaching the department with an environmental management plan to enable the department to appoint a third party to do the rehabilitation. It is the department that is supposed to

appoint a third party to do the rehabilitation it is not the accused. I am informed that is how it works in the department. Unless there is another aspect that the court wants me to address on these are my submissions.

COURT: You must be specific when you say the court must impose an appropriate sentence. Be specific.

PROSECUTOR: Your Worship the appropriate sentence is based on the penalty clause in terms of the act. In the event however the court is not convinced that the penalty clause
10 will be appropriate it is my submission that a reasonable amount of fine will be appropriate. May I just approach my....

MR MOTSIRI: Your Worship if I may subject to the approval off course if my learned colleague wants to take instruction and discuss an issue with me would it be too late your worship to alas a minute in particular just to give me that aspect so that we better advise the court on what to do without being uncertain about it?

COURT: Okay. Court adjourns just for two minutes.

COURT ADJOURNS

COURT RESUMES

20 PROSECUTOR: May it please the court your worship. Your Worship as I addressed the court earlier the prescribed penalty clause is R5 000 000.00 in the event the court on inquiry into the financial status of the accused's company is of the view that the R5 000 000.00 prescribed in the act is too much it is my submission that an appropriate sentence in that

regard should be imposed. I leave aspect on quantum in the hands of the court. I wish however to caution the court that as far as the rehabilitation costs are concerned it is the department that is going to deal with that. So that should not influence the court whether the rehabilitation cost is going to be R5 000 000.00 or less than R5 000 000.00 it is the departments responsibility, it should not influence the court. What should influence the court is what we have presented to the court and what the prescribed penalty clause states.

10 I have found that the accused's company is no longer operating. Maybe the defence will be in a better position to address the court about that. I just wanted to bring to the attention of the court that I believe that the company is no longer operating. That is my submission that they made money out of this by commencing an activity without a permit as the court pleases.

COURT: State how many sites are supposed to be rehabilitated?

PROSECUTOR: All of them your worship all five sites. The
20 basis upon which I am making this submission is that at the time the accused's company commenced with this activity their mining rights licence have lapsed. As the court pleases.

COURT: When we adjourned earlier on the state and the defence were going to discuss about certain aspects and it seems I was never addressed on that aspect.

PROSECUTOR: The quantum the amount of the fine.

COURT: Yes.

PROSECUTOR: Your Worship maybe the defence should start on that aspect.

COURT: Okay.

MR MOTSIRI: Your Worship I do not know why my learned colleague wants to pass the bar to me. I am not at this time going to coerced to start something that my learned colleague by law is obliged to deal with.

10 A simple issue was raised by this honourable court about what is it precisely that the prosecution wants to commence as an aspect relating to penalty being dealt with particular penalty and I think it is imprudent on me to impress on this honourable court that we did tender which tender was then accepted with my learned colleague and my learned colleague has an obligation in terms of the rules of this court to deal with that particular aspect with this particular court and I still request that my colleague with that issue your worship and I say that with respect.

20 PROSECUTOR: Your Worship the Criminal Procedure Act is clear on that and the act says upon conviction and when the court imposes a sentence of a fine the court must well and enquire on the affordability. I hope I am not referring your worship to the wrong procedure but I know it is applicable also on bail. There is nothing that prevents the court on

conducting an inquiry on affordability. If the court is inclined to hold inquiry on affordability therefore it means that the defence should tell the court how much their client can afford to pay as fine and why they are saying the accused could afford so much and why the accused can not afford so much. They are the ones that are mitigating, I am not mitigating your worship. I can not mitigate I can only tell the court that I am asking the court to assist which will be in the best interest of justice because the accused did not tell the court about his
10 financial status whether the company is still operating or not.

I was just informed that they are no longer operating that is why I made such submission that the company is no longer operating but defence will tell the court more about the financial status of the accused's company.

COURT: Yes actually when we adjourned it was for how much can he afford and take into account that he is offering to rehabilitate the site.

PROSECUTOR: Yes.

COURT: So it is for the defence to tell the court.

20 MR MOTSIRI: As the court pleases. Your Worship the following is what has been discussed and have been offered to the prosecution, before I do that permit me with respect to liasse my submission to you on the basis of what my colleague conveniently decides to hear when he wants to and forget when he wants. It is the tender before this honourable

court on behalf of accused 1 and 2 respectively and 2 in particular nomino officio but the following are the substratum of the financial (inaudible) of both the accused 1 and 2. 1) That accused 1 is no more operational. 2) That accused 1 hold no substantial asset upon which on liquidation it could effect an equity both on 1 and 2 either way. It is also clear tender before this honourable court that accused 2 is unemployed at the moment. Accused 2 is a married individual, accused 2 has three minor children all of whom are
10 under support base of the guardian parents accused 2 being one of them.

That issue I must point out your worship that no issue has been joined by prosecution about the accuracy of those tender before this honourable court. Therefore this court can assume that to be common cause because no issue has been joined in that regard.

But furthermore and most importantly when we asked for your worship's indulgence the issue was to discuss with the prosecution what the accused could be able to afford in
20 this regard and I am going to deal with that immediately.

1) The offer of R20 000.00 as a deferred payment has been tendered split in monthly payments of R5000.00 from the date on which this court can impose that the payments run. We have also conceded to a fact that the act makes it a prerequisite that if the court is to find us guilty on

those particular charges of exercising listed activities without the proper licence being in place either by virtue of its lapsing or by virtue of it not being in operation but your worship should as prescribed by the act order for rehabilitation and this rehabilitation relates to all sites at which operations were in place. I just wish also to raise your worship from what I have been told is that in any event there are in place an environmental management plan that have already been accepted by the department.

10 What becomes outstanding it is the updates thereof which the accused undertake to deal with as it follows the procedure of rehabilitation dictated by the act and the department. Your Worship in closing I wish to point out that what has been tendered now it not new it has been tendered earlier when Your Worship asked precisely what the financial position of the accused were.

 That has been tendered to this court and there is nothing unwanton in that presentation that this court can not accept as truthful unless if my learned colleague by
20 procedure would have joined issue with the accuracy of that information this honourable court would have to accept that to be the case unless something unwanton revolves around that your worship.

 But just as a set of completeness your worship my learned colleague raised an issue that your worship should

not take cognisance of the fact that a tender of a plea of admission of guilt should not have the weight it is supposed to have. That is baseless in law, it is wrong on logic and fact and this court should know that it is trite law that where an accused pleads guilty at the inception of the trial such tender should be taken cognisance of when the court decides on the evidence before it and the sentence to be imposed. The fact that a tender of plea the plea of guilty has been tendered at the inception of the trial denotes not only the remorsefulness
10 of a person pleading such but also the taking into que of the time of this honourable court in respect thereof.

Therefore it is un thought of that my learned colleague would make such a statement that the court should not take into cognisance in considering the appropriate sentence whether the accused did not tender a plea of guilt at the inception without the waste of the court's time.

I say your worship should with respect take that fact into cognisance for what it is in trite and in law a consideration for a plea of guilt without necessarily wasting
20 the court's time. Unless your worship has something specific it wants me to address. As the court pleases.

COURT: Is that all?

PROSECUTOR: No further submissions as the court pleases.

COURT: When you introduced this case you indicate that there is advocate who?

PROSECUTOR: Advocate Mashimbye from the Asset Forfeiture Unit of the National Prosecuting Authority.

COURT: Yes.

PROSECUTOR: I will leave him to address the court.

COURT: Yes advocate?

MR MASHIMBYE: May I address the court from where I am?

COURT: Yes you may proceed.

MR MASHIMBYE: As my colleague have indicated I am
10 from the Asset Forfeiture Unit of the National Prosecuting
Authority with the intent bringing an application in terms of
Section 18 of the Prevention of Organised Crime Act 121 of
1998. I prepared a copy of the application which I wish to
hand in and also to hand a copy to the accused as well. May
I do so?

What the application is all about your worship in
asking the honourable court to conduct the inquiry in terms of
Section 18 (1) into any benefit which the defendants being
both accused 1 and 2 may have derived from the offence with
20 which this court has convicted them of.

I would like to point out one issue on my application
which is point 2.2. I wanted to ask the court to grant an order
in terms of paragraph 1, 2 and 3 immediately but I will ask the
court to proceed with that but we would like to proceed with
2.3 which is to refer the defendant to Section 21 of the

Prevention of Organised Crime Act and to explain the contents thereof. And to assist the court what Section 21 entails it simply entails that since well this application has been launched it is for the defendant if he wishes to do so to file any papers in dispute of the application that we are bringing and also for the applicant the NDPP to file its papers to support the application stating that indeed both they benefited from the offence of which they have been convicted of.

10 Lastly which is point 4 asking the court to postpone the said determination or the said inquiry as it is indicated in Section 18 (3) so as not to waste the court's time in terms of proceeding with the other aspects of this matter or of the criminal matter which is the issue of sentencing.

We are asking the court to postpone this particular inquiry to a particular date and let the court proceed with the sentencing in the criminal matter. That will be all what we are bringing.

COURT: Mr Maponya since there is an application by
20 the state in terms of Section 18 of Act 121 of 1998 you have got the right to legal representation. The court will give you an opportunity to decide whether you engage the very same team of attorneys and advocates or you will engage the attorney of your own choice. You must know that this application is about the benefits that you could have derived

during the operation of your company therefore it is a confiscation order that has to be determined by this court whether you derived any benefits from the said company. This matter will be postponed to a certain date so that you can be able to prepare yourself since you are unrepresented at this stage unless if you have arranged anybody amongst the two.

ACCUSED: Well understood.

COURT: I need confirmation from the two teams the
10 two gentlemen before this court Mr Raphesu is an attorney and Advocate Motsiri whether you are placing yourself on record or accused will still decide on that?

MR MOTSIRI: Your Worship it is clear that the application that is before you is a totally different application to that of the first application but most importantly it is to serve as mitigation by ambush both on the court, on the team as well for the simple reason that there could not have been an anticipation of this application but however the NDP has a right to decide what it wants to do.

20 But to answer that question directly your worship we hold no instruction in that regard and equally I must haste into place the following on record, NDP by its own action should know that representation by its known self is not only enough to give instruction it is a consideration by a person before this court to appoint the appropriate legal

representation based on their profession and expertise in that regard but also proper consultation is what constitute securing of legal representation. It is not enough to rock up in court, serve papers and seem to think you have got it all under wraps. It does not work that way. I just wanted to clear that your worship so that whether we get to be instructed or not that can not be as a matter of fact the heart and pass through of whether we are on break today or not. I respectfully submit that that is our case.

10 COURT: Did you have any date in mind sir?

MR MASHIMBYE: I do not have any date in mind your worship.

COURT: I am going to buy you a dairy.

MR MASHIMBYE: I do have my dairy I think I am open for the better part of this month or next month.

COURT: Can we try 28 March?

MR MASHIMBYE: 28 of March will be fine. Maybe I will not like to engage much in what my colleague have said I do not think there is a necessity for me to reply anything
20 because I think we will just waste the court's time in spreading allegations of issues which are neither here nor there.

COURT: It is fine.

MR MOTSIRI: Your Worship may I just deal with this particular aspect, I think my colleague says there are words

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ADDRESS

that will be spreading I just want to find out what my
colleague is saying?

COURT: That involve in a dialog, the message is about informing the accused about the institution of this separate action. So whatever has been said will never have any effect on anything because this is a separate application.

MR MOTSIRI: Indeed your worship.

COURT: This is a institution of a separate application from the one that you came for so I think let us just clarify that. An inquiry has got to be done a confiscation enquiry in relation to paragraph 5 and 10 therefore this matter is postponed until 28 March but it will not be for inquiry, for accused to consult with his attorney. Thereafter we will get from accused whether he will proceed on his own or not. But we have not finalised the sentencing stage, you are excused sir.

MR MASHIMBYE: As the court pleases.

COURT: Sentencing stage is one of the difficult parts for any presiding officer be it chief justice and also the lowest rank of the presiding officers. Be that as it may however the court will have to proceed.

In arriving at an appropriate sentence the court takes into account the general principles of punishment being the personal circumstances of the accused, the nature of the offence or offences that he has been convicted of as well as the interest of society. Before we can proceed how old is the accused?

MR MOTSIRI: 47 Your worship.

COURT: And when was the company found?

MR MOTSIRI: 2001.

COURT: The court taking into account the accused is 47 years...(intervened)

MR MOTSIRI: Your worship the actual corporation started in 2007.

COURT: Okay. The court takes into account that he is 47 years old, he is married with three kids. The first one is in tertiary, the second one at middle school and the last one is doing primary school. The defence went on to address the court that the accused is unemployed.

When coming to the issue of sentence the court will use the guidelines which were clearly cited in the case of State v Khumalo 1973 volume 3 SA 697 it is an Appellate Division case by Holmes JA. I quote "Punishment must fit the criminal as well as the crime, be fair to society and be blended with a measure of mercy according to the circumstances."

In the case of state v Zinn 1969 volume 2 SA page 537 it is also Appellate Division case the following was said "what has to be considered is the trite consisting of the crime, the offender and the interest of the society." When coming to the nature of the offence that the accused has been convicted of it is a very serious offence. The court can not overemphasize that fact. The public prosecutor indicated that the activities caused serious soil erosion in the surrounding area. The court takes judicial notice of the fact that now it is rainy season obviously the residents of that area are

affected by the damage. When coming to the interest of the society it is said that justice must be seen to be done.

When coming to that aspect the court will refer to the case of state v Mahlalasa 1997 volume 1 SACR page 515 it is a Supreme Court of Appeal case whereby Judge Harmse JA had the following to say "The object of sentencing is not to satisfy public opinion but to serve the public interest. A sentencing policy that caters predominantly and exclusively for public opinion is inherently flawed. It remains the court's duty to impose fearlessly and appropriate and fair sentence even if the sentence does not satisfy the public."

Now when looking into the appropriate sentence the question is whether by taking the accused to jail for ten years will it serve any purpose to the citizen of that particular place or the residence of that particular place where damage has been caused.

From the address the impression that was created by the state is that a lot of serious erosion was caused by the activities of the accused's company therefore there is a dire need for the accused to start the rehabilitation process. I think that on its own will save or will assist the residents of those areas which were affected by this operation. Even if the accused can be ordered to pay a fine of R5 000 000.00 the question is whether that R5 000 000.00 will be used for the benefit of the residents who were affected by these operations. The answer is no, the R5 000 000.00 will go into the coffers of the Department of Justice and the affected

residents will continue to suffer.

Therefore it is upon this court to see to it that an appropriate sentence must be the sentence that will benefit the community and at the same time must deter the accused from committing the same offence. State what is the names of the places, you said Hilltop 1, 2, 3 and the next?

PROSECUTOR: It is Brickyard area.

COURT: Where is it situated?

PROSECUTOR: All these areas your worship are situated at Ntlhavene valley.

COURT: The second one is called?

PROSECUTOR: The second one is Kghoshi [spelt into record] mining pit and the third one is Hilltop mining pit.

COURT: How do you spell pit?

PROSECUTOR: Pit [spelt into record].

COURT: The fourth one?

PROSECUTOR: The fourth one is Hilltop mining pit 2.

COURT: Do you have a Hilltop mining 1?

PROSECUTOR: No it just says Hilltop mining pit. It looks like this is how the department identified the areas during the time when the accused's company applied for mining rights.

COURT: Okay. Then the fifth one?

PROSECUTOR: The fifth one is Hilltop above the brick works.

COURT: Is it the last one?

PROSECUTOR: This is the last one yes.

COURT: Can we adjourn just for a few seconds just to finish.

COURT ADJOURNS

COURT RESUMES

COURT: When taking into account the personal circumstances of the accused, the nature of the offence that he has been convicted of as well as the interest of the society the court finds that the most appropriate sentence will be as follows, **the accused is sentenced to five years imprisonment which is wholly suspended for a period of five years on condition the accused is not convicted again of contravening the provisions of Section 24 (F) (1) Act 107 of 1998 committed during the period of suspension.**

And on condition that the accused rehabilitates all the areas which were damaged by these mining activities to wit 1) Brickyard area, 2) Kghoshi mining pit, 3) Hilltop mining pit, 4) Hilltop mining pit 2, 5) Hilltop above the brickworks. The rehabilitation process must have been completed on or before 30 April 2014. What it means sir should you fail to comply with these conditions you have to go serve five years imprisonment. Sir you must listen to the explanation by this court which is very important. If you are not satisfied about the conviction and the sentence you have got right to apply for leave to appeal.

Such application must be done within 14 days from today. Should your application for leave to appeal succeed the transcribed record will be forwarded to the High Court for the matter to be

looked into whether you were properly convicted and sentenced. Should the High Court find that you were not properly convicted the conviction and the sentence will be set aside.

However should the High Court find that you were properly convicted but the sentence is too harsh the conviction will be confirmed by the sentence will be altered. You may still instruct your own team of legal rep or you can instruct another attorney or approach the clerk of the criminal court to assist you with the application for leave to appeal. Do you understand sir?

ACCUSED: Well understood.

COURT ADJOURNS
