

SOUTH GAUTENG HIGH COURT

JOHANNESBURG

CASE NO:SS70/2010

DATE:03/10/2011

NOT REPORTABLE

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In the matter between

THE STATE

and

CHRISTIAN FRANS VERMAAK

Accused

J U D G M E N T

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VAN OOSTEN J:The accused pleaded guilty on count 1, to murder, and on count 2, to theft. A list of admissions in terms of s 220 of Act 51 of 1977 (the CPA) was handed in and confirmed by the accused as correct.

As I had some doubt as to the accused's mental capacity, I ordered, on 24 May 2011, in terms of section 77 and 78 of the CPA, that the accused be referred to Sterkfontein Hospital, for mental observation.

The matter was thereafter postponed on a number of occasions. Today the psychiatric report was by agreement handed in indicating that the accused had been under observation from 14 July to 25 August 2011. The recorded unanimous view of the psychiatrists is that the accused is not suffering from mental illness, that he is fit to stand trial and that at the time of the commission of the offences, he was able to appreciate the wrongfulness of his actions and able to act in accordance therewith.

10 Having considered all the facts that have been placed before me, I am satisfied that the accused intended to plead guilty and that he in fact is guilty.

The accused is accordingly found guilty on count 1, of murder, as charged, and on count 2, of theft.

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