

**IN THE HIGH COURT OF SOUTH AFRICA**  
**(WESTERN CAPE HIGH COURT, CAPE TOWN)**

**CASE NUMBER:**

SS183/2000

5 **DATE:**

8 JUNE 2010

In the matter between:

**H PIETERSEN**

Applicant

and

10 **THE STATE**

Respondent

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**J U D G M E N T**

**Application for Leave to Appeal**

15 **HLOPHE, JP:**

This is an application for leave to appeal against the sentence imposed by my esteemed colleague, Mr Justice Van Zyl, now retired. The accused, Mr Pietersen, is appearing in person.

20 Therefore he was unable to formally apply for condonation for the late filing of the notice of appeal. He has been given a hearing to argue his appeal in court, which application was vehemently opposed by the State, State being represented by Advocate Booyesen, who highlighted the fact that the accused, together with others, were involved in a crime spree and they

25 /bw

/...

murdered four innocent human beings, purely for financial gain during that time. The fact that even though the accused was also sentenced to life imprisonment with regard to other counts, as far as life imprisonment is concerned, it will  
5 obviously be served concurrently.

After carefully listening to Mr Pietersen and after taking into account the arguments carefully advanced by Ms Booyesen, who appeared for the State, I am satisfied that there is no  
10 other court which can come to a different conclusion. It follows, therefore, that the following order should be made:

1. Application for condonation for the late filing of an appeal is hereby refused.  
15
2. Application for leave to appeal against sentence imposed by Mr Justice Van Zyl, is similarly refused.

Dit is die bevel van die Hof.  
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This is an application for leave to appeal against the sentence imposed by my esteemed colleague, Mr Justice Van Zyl, now retired. The accused, Mr Pietersen, is appearing in person. 20 therefore, he was unable to formally apply for condonation for the late filing of the notice of appeal, which is not even in the file. He has been given a hearing to argue his appeal in court, which application was vehemently opposed by the State, State being represented by Advocate Booyesen, who highlighted the 25 fact that the accused, together with others, were involved in a /bw

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crime spree and they murdered four innocent human beings, purely for financial gain during that time. The fact that even though the accused was also sentenced to life imprisonment with regard to other counts, as far as life imprisonment is  
5 concerned, it will obviously be served concurrently, ~~because~~ there is no other way, (indistinct) as a matter of law, it will ~~serve concurrently with the others.~~

After carefully listening to Mr Pietersen and after taking into  
10 account the arguments carefully advanced by Ms Booyesen, who appears <sup>ed</sup> for the State, I am satisfied that there is no other court which can come to a different conclusion. It follows, therefore, that the following order <sup>should</sup> ~~must~~ be made:

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