

**IN THE HIGH COURT OF SOUTH AFRICA**

**(TRANSVAAL PROVINCIAL DIVISION)**

**CASE NO ; CC61/97**

In the matter between :-

**DE VRIES : ANTHONY LOUIS**

Applicant

and

**THE STATE**

Respondent

---

**NOTICE OF MOTION**

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**BE PLEASED TO TAKE NOTICE** that on a date and time to be determined by the Registrar of the abovementioned Honourable Court, the Applicant intends to apply for an order in the following terms :-

1. That the Applicant be released on an amount of bail to be determined by the Honourable Court pending the outcome of his appeal against convictions and sentences to a full bench of the Transvaal Provincial Division in case number CC61/97 wherein he was convicted and sentenced by the Honourable Justice de Klerk in the Transvaal Provincial Division on 22 April 1998;
  
2. Further and/or alternative relief.

**TAKE NOTICE FURTHER** that the affidavit of Anthony Louis de Vries, (the Applicant), attached hereto will be used in support of the application.

Kindly enrol the matter accordingly.

**DATED at JOHANNESBURG on this the 26<sup>th</sup> day of JUNE 1998**

  
D.H. ZONDI

Applicant's Attorneys  
6<sup>th</sup> Floor  
Liberty Life Broker Centre  
112 Main Street  
Corner Main & Eloff  
P.O. Box 8236

JOHANNESBURG 2000

TEL : 331-5911/2/3

FAX : 331-7055

REF : DHZ/D81

TO : THE REGISTRAR OF THE  
ABOVE HONOURABLE COURT

AND TO : THE ATTORNEY GENERAL  
(TRANSVAAL PROVINCIAL DIVISION)

Received copy hereof on this the

day of JUNE 1998

---

FOR : RESPONDENT'S ATTORNEYS

**IN THE HIGH COURT OF SOUTH AFRICA**

**(TRANSVAAL PROVINCIAL DIVISION)**

**CASE NO : CC61/97**

In the matter between :-

**DE VRIES : ANTHONY LOUIS**

Applicant

and

**THE STATE**

Respondent

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**SUPPORTING AFFIDAVIT**

---

I, the undersigned,

**ANTHONY LOUIS DE VRIES**

hereby make oath and say :-

1. I am an adult male residing at 83 Sylvine Street, Ennerdale and I was employed as a panel beater in my brother's business which is operated from home and I am the Applicant herein.
  
2. I am presently in Cullinan Prison where I am serving sentences imposed on me as will appear more fully as set out below.
  
3. The facts herein contained are within my own personal knowledge and to the best of my belief true and correct.
  - 3.1 On 20 April 1998 I appeared in the Pretoria High Court in case number CC61/97 before his Lordships Justice de Klerk.
  
  - 3.2 I was legally represented and pleaded not guilty to all charges but was convicted on 22 April 1998 on 2 (two) counts of murder, 2 counts of attempted murder and 1 (one) count of robbery

3.3 On the same day, 22 April 1998, I was sentenced to three times of life imprisonment in respect of the 2 (two) murder and 1 (one) robbery counts and to 15 years imprisonment in respect of each of the attempted murder counts

3.4 Also on the same day on 22 April 1998, his Lordship Justice de Klerk granted me leave to appeal against all my convictions as well as the sentences imposed therefor to a full bench of the Transvaal Provincial Division of the High Court of South Africa.

4. Unfortunately my Counsel at the time did not apply for my release on bail pending the outcome of my appeal, hence this application.

5. I respectfully beg to be released on bail pending the outcome of my appeal and respectfully wish to draw attention to the following facts :

- 5.1 Since my arrest I have been released on R7 000-00 bail and I have faithfully appeared on each and every remand and stood trial
- 5.2 I have been living at my above address for 15 (fifteen) years and have worked at my place of employment for 6 (six) years. I am employed as a panel beater and earn R2 000-00 per month. I lived at Ennerdale since birth
- 5.3 I attended school and grew up in this area and have therefore spent my life in the Ennerdale area.
- 5.4 I own the following movable property VW Golf with registration letters and numbers GWW 757GP, 1987 model, BMW 525 BYF 435GP

5.5 I am not married but have a son, namely Terrance who is 3½ years old. My son lives with my mother but I maintain him.

5.6 I also maintain my mother who lives at 83 Sylvine Street, Ennerdale and wish to state that all my relatives live in the Ennerdale and West Rand area.

5.7 I therefore maintain that I have fixed roots in my community

5.8 I do not possess a passport or other travel documents and undertake not to apply for such documents until after my appeal has been finalized.

L.S



- 5.9 I undertake not to change my address and/or place of work without informing the investigating officer in writing and also providing full details of my new address, although at this point in time I do not foresee changing my address
- 5.10 My nearest police station is Ennerdale and if it is deemed necessary I will report there as required by the Honourable Court and I will also comply with all such conditions as the Honourable Court may deem fair to impose.
6. I and my relative will be able to raise an amount of +- R20 000-00 for bail, but should the Court deem fair to fix bail in a higher amount, I am advised that friends and relatives will attempt to raise such higher amount.

7. I stress, with respect that I will not evade justice because I believe and have also been advised by my legal representatives that I have reasonable prospects of success on appeal.

8. I also want to stress that I have already taken the following steps to prosecute my appeal

8.1 I have instructed my present attorney to have the record typed and to brief Counsel to peruse same and to proceed with the appeal. I annex hereto marked "A" my Power of Attorney

8.2 Counsel was instructed to settle this application as well as to peruse the record for an opinion

I am advised that my convictions are based on circumstantial evidence only as well as the drawing of inferences and that there are reasonable prospects that another Court may find in my favour.

This advice is respectfully supported by the fact that the Honourable trial judge granted me leave to appeal

8.3 Counsel was briefed to set out the grounds for appeal in terms of Section 361(2) and 316 (5) by of Act 51/1977 and a copy is attached hereto as annexure "B"

8.3 My attorney is already busy preparing the record (which has been typed) in order to have the appeal set down.

9. Under the circumstances I humbly pray for an order as set out in the Notice of Motion.

L.S  
1/1/1

DEPONENT

SIGNED and SWORN to before me at CULLINAN on this the 3 day of JULY 1998 by the Deponent who has acknowledged that he knows and understands the contents of this affidavit and has no objection to taking the prescribed oath and considers same to be binding on his conscience.

Handwritten text in a box, likely a translation or a note, containing Dutch text.

COMMISSIONER OF OATHS

Mr. SRIATI LEONARD

Official stamp and text of the Commissioner of Oaths, including the name 'Vrederegter/Justice of the Peace' and 'Netherlands van Ede/Commissioner of Oaths'.

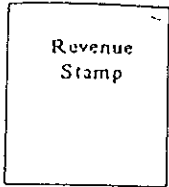
Powder Water Medium A.

P/BAS A102

Official text at the bottom right, including a signature and the word 'daaron'.

ANNEXURE 'A'

SPECIAL POWER OF ATTORNEY



I/We, the undersigned,

ANTHONY L DE VRIES

do hereby nominate, constitute and appoint DUMISANI HAMILTON ZONDI and/or DAPHNE VILAKAZI of D H ZONDI ATTORNEYS of JOHANNESBURG.

with power of Substitution, to be my/our lawful Attorney(s) and Agent(s) in my/our name, place and stead, and appear before the High Court of South Africa, (Transvaal) or wherever else may be necessary and then and there as my Act and Deed to note an Appeal to the Supreme Court of South Africa, Transvaal against conviction and sentence imposed on me by Honourable Justice De Klerk sitting at Pretoria Supreme Court on the 22nd April 1998 when he convicted me on two charges of murders, attempted murder and robbery and sentenced to three life imprisonment and thirty years.

DO NOT SIGN OR INITIAL OVER THIS LINE

and generally for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes, as I/We might or could do if personally present and acting herein -- hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever my/our said Attorney(s) and Agent(s) shall lawfully do, or cause to be done, by virtue of these presents.

Signed at CULLINAN

this 5 day of JUNE 19 98, in the presence of the undersigned witnesses.

AS WITNESSES:

[Signature]

[Signatures]

ANNEXURE "B"

IN THE HIGH COURT OF SOUTH AFRICA

(TRANSVAAL PROVINCIAL DIVISION)

CASE NO : CC61/97

In the matter between :-

DE VRIES : ANTHONY LOUIS

Appellant

and

THE STATE

Respondent

---

GROUNDS OF APPEAL IN TERMS OF SECTION 316(2)

OF ACT 51 OF 1977

---

BE PLEASED TO TAKE NOTICE that on 22 April 1998 the Honourable Justice de Klerk granted the Appellant leave to appeal to a full bench of the Transvaal Provincial Division against his convictions on 2 (two) counts of murder,

h.s.  
1/1/98

2 (two) counts of attempted murder and 1(one) count of robbery as well as the sentences imposed therefor in the Transvaal Provincial Division of the High Court of South Africa.

**BE PLEASED TO TAKE NOTICE FURTHER** that the ground upon which the Appellant desires to appeal are as follows :-

A. **AD ALL HIS CONVICTIONS**

The Court erred, with respect, in;

1. Finding that there was sufficient circumstantial evidence to convict the Appellant; and/or

*L.S.*

*Finding that the Appellant was properly and sufficiently identified as the driver of the vehicle by the witnesses.*

2. Drawing the inference, as the only reasonable inference, that the Appellant was one of the perpetrators, alternatively, that the Appellant had acted in concert with such perpetrators; and/or
3. Finding that the version of the Appellant was false and/or not reasonably possibly true; and/or
4. Finding that the guilt of the Appellant has been proved beyond reasonable doubts.

B. AD SENTENCE

The Court erred, with respect, in :-

1. Over emphasizing the seriousness of the offences and/or the interest of society; and/or

*L.S*

*18/1*



2. Under emphasizing the personal circumstances of the Appellant;  
and/or
3. Failing to have sufficient regard to the cumulative effect of the sentences imposed, alternatively failing to have the sentences run concurrently either in part or in full
4. Imposing sentences with a cumulative effect that induce a sense of short and/or which is inappropriate under the circumstances of the case.

DATED at JOHANNESBURG on this the 26<sup>th</sup> day of JUNE 1998

L.S.

---

**D.H. ZONDI**  
Appellant's Attorneys  
6<sup>th</sup> Floor  
Liberty Life Broker Centre  
112 Main Street  
Corner Main & Eloff  
P.O. Box 8236  
**JOHANNESBURG 2000**  
TEL : 331-5911/2/3  
FAX : 331-7055  
REF : DHZ/D81

TO : THE REGISTRAR OF THE  
ABOVE HONOURABLE COURT

AND TO : THE ATTORNEY GENERAL  
(TRANSCVAAL PROVINCIAL DIVISION)

Received copy hereof on this the  
day of JUNE 1998

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FOR : RESPONDENT'S ATTORNEYS

L.S.

SPECIAL POWER OF ATTORNEY



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ANTHONY L DE VRIES

do hereby nominate, constitute and appoint DUMISANI HAMILTON ZONDI and/or DAPHNE VILAKAZI of D H ZONDI ATTORNEYS of JOHANNESBURG.

with power of Substitution, to be my/our lawful Attorney(s) and Agent(s) in my/our name, place and stead, and appear before the High Court of South Africa, (Transvaal) or wherever else may be necessary and then and there as my Act and Deed to note an Appeal to the Supreme Court of South Africa, Transvaal against conviction and sentence imposed on me by Honourable Justice De Klerk sitting at Pretoria Supreme Court on the 22nd April 1998 when he convicted me on two charges of murders, attempted murder and robbery and sentenced to three life imprisonment and thirty years.

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and generally for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes, as I/We might or could do if personally present and acting herein – hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever my/our said Attorney(s) and Agent(s) shall lawfully do, or cause to be done, by virtue of these presents.

Signed at CULLINAN

this 5 day of JUNE 19 98, in the presence of the undersigned witnesses.

AS WITNESSES:

[Signature]  
[Signature]

[Signature]

IN THE HIGH COURT OF SOUTH AFRICA

(TRANSVAAL PROVINCIAL DIVISION)

CASE NO : CC61/97

In the matter between :-

DE VRIES : ANTHONY LOUIS

Appellant

and

THE STATE

Respondent

---

NOTICE OF MOTION

---

BE PLEASED TO TAKE NOTICE that the abovementioned Applicant  
(Appellant) intends to make Application at the hearing hereof, for an Order in the  
following terms :-

1. Condoning the late noting of an Appeal, alternatively extending the time limit for noting the Appeal.
2. Ordering the Respondent to pay the costs of Application should the Application be opposed.
3. Further and/or alternative relief.

**BE PLEASED TO TAKE NOTICE FURTHER** that the Affidavit of Dumisani Hamilton Zondi as well as the Confirmatory Affidavit of the Appellant annexed hereto, will be used in support hereof.

**DATED at JOHANNESBURG on this the 9<sup>th</sup> day of JUNE 1998**

IN THE HIGH COURT OF SOUTH AFRICA

GREIFFIER VAN DIE HOOGSTE RECHTER VAN S.A.	
TRANSVAALSE PROVINSIALE AFDELING	
PRIVATSAK/PRIVATE BAG X57	
A	1998-07-07
PRETORIA	
TRANSVAAL PROVINCIAL DIVISION	
REGISTRAR OF THE SUPREME COURT OF S.A.	

(TRANSVAAL PROVINCIAL DIVISION)

CASE NO : CC61/97

In the matter between :-

DE VRIES : ANTHONY LOUIS

Appellant

and

THE STATE

Respondent

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GROUNDS OF APPEAL IN TERMS OF SECTION 316(2)

OF ACT 51 OF 1977

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2 (two) counts of attempted murder and 1(one) count of robbery as well as the sentences imposed therefor in the Transvaal Provincial Division of the High Court of South Africa.

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2. Drawing the inference, as the only reasonable inference, that the Appellant was one of the perpetrators, alternatively, that the Appellant had acted in concert with such perpetrators; and/or
3. Finding that the version of the Appellant was false and/or not reasonably possibly true; and/or
4. Finding that the guilt of the Appellant has been proved beyond reasonable doubts.

B. AD SENTENCE

The Court erred, with respect, in :-

1. Over emphasizing the seriousness of the offences and/or the interest of society; and/or



2. Under emphasizing the personal circumstances of the Appellant;  
and/or
3. Failing to have sufficient regard to the cumulative effect of the sentences imposed, alternatively failing to have the sentences run concurrently either in part or in full
4. Imposing sentences with a cumulative effect that induce a sense of short and/or which is inappropriate under the circumstances of the case.

— DATED at JOHANNESBURG on this the 26<sup>th</sup> day of JUNE 1998

113

D.H. ZONDI  
Appellant's Attorneys  
6<sup>th</sup> Floor  
Liberty Life Broker Centre  
112 Main Street  
Corner Main & Eloff  
P.O. Box 8236  
JOHANNESBURG 2000  
TEL : 331-5911/2/3  
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REF : DHZ/D81

TO : THE REGISTRAR OF THE  
ABOVE HONOURABLE COURT

AND TO : THE ATTORNEY GENERAL  
(TRANSCAAL PROVINCIAL DIVISION)

Received copy hereof on this the  
day of JUNE 1998.

FOR : RESPONDENT'S ATTORNEYS

SPECIAL POWER OF ATTORNEY



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ANTHONY L DE VRIES

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Signed at CULLINAN

this 5 day of JUNE 19 98, in the presence of the undersigned witnesses.

AS WITNESSES:

1 [Signature]  
2 [Signature]

[Signature]

S/D

11 Desember 1998

Telefoonnommer : 3253780

A 1106/98

Verw. No. Appèl No. VOLBANK : 10/98 (24/2/ECJW)

ADV D BROWN  
15DE VLOER  
SANLAM SENTRUM  
VANWIELLIGHSTRAAT  
JOHANNESBURG  
2001

Meneer

Director of Public Prosecutions
Private Bag/Privaatsak X 300 Pretoria 0001
1998 -12- 10
APPEALS/APPELLE
Direkteur van Openbare Vervolgings

STRAFAPPÈL : ANTHONY LOUIES DE VRIES

1. Dit is my opgedra om u in kennis te stel dat bogenoemde appèl op die rol geplaas is vir argument in die Hoër Hof, Pretoria op 24 FEBRUARIE 1999 om 10 vm.
2. Kragtens Reël 49A van die Reëls van dié Hof - word u hiermee in kennis gestel dat betoogshoofde in hierdie saak benodig word en dat vier afskrifte daarvan by die Griffier van die Hoër Hof, Pretoria en een afskrif daarvan by die Direkteur van Openbare Vervolgings, Pretoria, (Kamer 123 - 1ste Vloer, Kerkplein 28) afgelewer moet word voor of op 26 JANUARIE 1999.  
N.B. : (1) Die Griffier van die Hof sal nie betoogshoofde in strafappèlle aanvaar indien daar nie bewys gelewer is dat dit op die Direkteur van Openbare Vervolgings bestel is nie.  
(2) Die Direkteur van Openbare Vervolgings kan nie magtiging verleen vir die laat-indiening van betoogshoofde nie - geliewe dit onder die aandag van die advokaat vir appellant te bring.  
(3) Afskrifte van rekords, of gedeeltes daarvan, is NIE by hierdie kantoor beskikbaar NIE.
3. U aandag word gevestig op die bepalings van Reël 49A(7) van die hofreëls wat soos volg lees :  
"Die finale verantwoordelikheid om te verseker dat alle afskrifte van die appèloorkonde in alle opsigte behoorlik voor die Hof is, rus op die appellant of sy prokureur."
4. Geliewe derhalwe te verseker dat al die afskrifte van die Appèlrekord leesbaar is, bladsye behoorlik genommer is en in alle opsigte geskik is vir voorlegging aan die hof.
5. Geliewe my in kennis te stel, nie later as 15 hofdae voor die aanhoor van die appèl nie, van die naam en adres van die persoon aan wie die Staat se betoogshoofde afgelewer moet word.
6. As daar nie met die appèl voortgegaan word nie, moet die Griffier van die Hof en ek onmiddellik daarvan in kennis gestel word.

Die uwe



A I TITUS  
namens DIREKTEUR VAN OPENBARE VERVOLGINGS  
TRANSVAAL

Die Griffier van die Hooggeregshof  
Privaatsak X67  
PRETORIA  
0001

Vier afskrifte hiermee.

A I TITUS

*Handwritten signature*

IN THE HIGH COURT OF SOUTH AFRICA

(TRANSVAAL PROVINCIAL DIVISION)

CASE NO: CC 61/97

In the matter between:

ANTHONY DEVRIES

GRIFFIER VAN DIE HOOGGEREGSHOF VAN S.A.	
TRANSVAAL	NO. AFDELING
PRIVAATREKASSE BAG 367	
1998 -11- 24	APPLICANT
PREFECTURA	
TRANSVAAL	PROVINCIAL DIVISION
REGISTRAR OF THE SUPREME COURT OF S.A.	

AND

THE STATE

RESPONDENT

**SUBSTITUTION OF ATTORNEY OF RECORD**

BE PLEASED TO TAKE NOTICE that the applicant has now appointed Attorney RAFIQUE ABRAHAMS as his attorney of record in the above matter.

Please take further notice that the applicant will accept service and notice of all further process in this matter at the offices of RAFIQUE ABRAHAMS ATTORNEY, 42<sup>nd</sup> Floor Carleton Centre, Commissioner Street, Johannesburg.

Signed at Johannesburg on this the 24<sup>th</sup> day of November 1998.



RAFIQUE ABRAHAMS  
42<sup>ND</sup> FLOOR CARLETON CENTRE  
COMMISSIONER STREET  
JOHANNESBURG  
TEL: (011) 331-6043  
FAX: (011) 331-7830

AND TO:

THE REGISTRAR OF THE HIGH COURT  
TRANSVAAL PROVINCIAL DIVISION

**IN THE HIGH COURT OF SOUTH AFRICA**

**(TRANSVAAL PROVINCIAL DIVISION)**

**CASE NO : CC61/97**

In the matter between :-

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Applicant

and

**THE STATE**

Respondent

---

**FILING SHEET**

---

Prepared and filed by :-

**IN THE HIGH COURT OF SOUTH AFRICA**

**(TRANSVAAL PROVINCIAL DIVISION)**

**CASE NO : CC61/97**

In the matter between :-

**DE VRIES : ANTHONY LOUIS**

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