

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

A897/2003

5 **DATE:**

11 DECEMBER 2008

In the matter between:

BRIAN FREDERICKS

Applicant

and

10 **THE STATE**

Respondent

J U D G M E N T**Application for Leave to Appeal**15 **YEKISO, J:**

The order we give is the following, the first paragraph will be:

1. The application for leave to appeal is postponed *sine die*.

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2. The office of the Provincial Director of Public Prosecution is directed to assist the applicant in obtaining legal aid assistance with a view to doing the following:

25 (a) To furnish the applicant with an opinion as regards

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the probabilities of success in the proposed appeal.

(b) That the applicant, as well as the Office of the
Provincial Director of Prosecutions, to be furnished
with a copy of such an opinion.

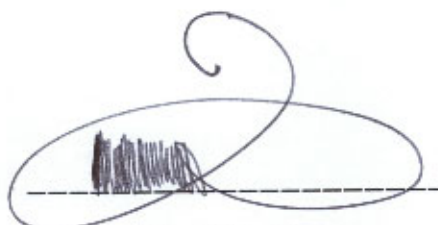
(c) That the Court, as currently constituted, be
furnished with a copy of such an opinion with a
clear understanding that this Court, as currently
constituted, will not be bound by that opinion.

3. Once such an opinion shall have been furnished to the
applicant, the applicant will be entitled to take whatever
appropriate steps arising from such an opinion which
shall include re-enrolment of his application for leave to
appeal.

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YEKISO, J

DLODLO, J: I agree.

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DLODLO, J