

THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, JOHANNESBURG)

CASE NO: SS70/2021

In the matter between: -

THE MINISTER OF POLICE

Applicant/Appellant

and

RORICH CHRISTIAAN SIEBERT AND OTHERS

Respondents

In re the criminal trial of:-

STATE

versus

MFALAPITSO TLHOMEDI EPHRAIM

Accused No 1

RORICH CHRISTIAAN SIEBERT

Accused No 2

APPLICANT'S/APPELLANT'S NOTICE OF CONDONATION APPLICATION

BE PLEASED TO TAKE NOTICE that the applicant/appellant (**THE MINISTER OF POLICE**) on a date and at a time to be determined by the Registrar of this Honourable Court, will apply for condonation for the late filing of the application for leave to appeal to the Supreme Court of Appeal, alternatively to the Full Bench of the Gauteng Division

of the High Court, Johannesburg, against the judgment of Makgoathheng J handed down on 9 June 2022, should it be found that this application for leave to appeal was filed out of time in the following terms:-

- 1 That condonation be granted to the applicant (THE MINISTER OF POLICE) for the late filing of the application for leave to appeal.
- 2 Further and/or alternative relief.

BE PLEASED TO TAKE FURTHER NOTICE that the affidavit of **JAKOBUS MEIER** will be used in support of the application for condonation.

Kindly enrol the matter for hearing.

DATED at PRETORIA on this the 16th day of AUGUST 2022.


THE STATE ATTORNEY: PRETORIA
Attorney for applicant/appellant

SALU Building

316 Thabo Sehume Street

PRETORIA

Tel: 012 309-1500

Email: KMeier@justice.gov.za

Ref: K Meier 330/2022/Z49

c/o THE STATE ATTORNEY: JOHANNESBURG

10th Floor, North State Building

95 Albertina Sisulu Street, Cnr Kruis Street

JOHANNESBURG

Tel no: (011) 330-7685

E-mail: rpooe@justice.gov.za

Ref: Mr R Pooe

TO:

**THE REGISTRAR OF THE ABOVE HONOURABLE
JOHANNESBURG**

AND TO:

THE DIRECTOR OF PUBLIC PROSECUTIONS (JOHANNESBURG)

Ref: Adv Serepo and Adv Ngobeni

Received a copy hereof by email jserepo@npa.gov.za and hsngobeni@npa.gov.za as per
arrangement on this 16th day of August 2022

AND TO:

KOBUS MULLER ATTORNEYS

Attorneys for second accused

357 Buffelsdrift street

Erasmusrand

Pretoria

Ref Kobus Muller

Email: kobusmuller1@absamail.co.za

Delivered by email as per arrangement on
this the 16th day of August 2022

**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, JOHANNESBURG)**

CASE NO SS70/2021

In the matter between:

THE MINISTER OF POLICE

Applicant/Appellant

And

RORICH CHRISTIAAN SIEBERT AND OTHERS

Respondents

In re criminal trial of:

STATE

versus

MFALAPITSO TLHOMEDI EPHRAIM

Accused No 1

RORICH CHRISTIAAN SIEBERT

Accused No 2


SUPPORTING AFFIDAVIT

I, the undersigned

JAKOBUS MEIER

do hereby make oath and state that:

1.

TM 

I am an adult male person duly admitted as a Legal Practitioner of this Honourable Court and practicing as an attorney as such and is currently acting as Deputy State Attorney at

the office of State Attorney, Pretoria with its address at 316 Thabo Sehume Street, Ground Floor, Salu Building, Pretoria.

2.

The facts contained herein are unless expressly stated otherwise or it appears from the context hereof to be otherwise, are within my personal knowledge and are to the best of my knowledge both true and correct.

3.

I have received instructions from the Provincial Commissioner of Police to assist in briefing counsel to provide the Police with a legal opinion regarding legal representation. This was on 27 January 2022. Advocate Dawie Joubert SC was brief and he provided the Police with the requested legal opinion. For all practical purposes my instructions ended when the legal opinion was rendered to the Police.

4.

On 24 and 27 as well as 29 June 2022 Col Grobler from Legal Services was communicating by means of emails with Mr Pooe from the State Attorney in Johannesburg regarding a Notice to Appeal as per annexure "A" and "B" attached hereto. I was however requested by Col Grobler from the Police Legal Services late in June 2022 to assist with the arrangements between the two Offices with the lodging of an application for leave to appeal in the current matter as they would like to retain the services of Adv Dawie Joubert SC in this matter. The police have indicated that they want to appeal the ruling by the honourable court in this matter. I cannot recall the exact date as I have not made a note of the phone call. Genl Hendricks from legal Services was communicating with Mr Pooe, from the State Attorney in Johannesburg, about the application for Leave to Appeal as can be noted in an email dated 19 July 2022 and subsequent emails, as attached hereto as annexure "C".

5.

The office of the State Attorney in Pretoria normally do not proceed with criminal matters in the area of Johannesburg. This is the area of the State Attorney in Johannesburg and they are handling criminal matters of the Gauteng Division, Johannesburg. This

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information was conveyed to the SAPS Legal Services and to the State Attorney in Johannesburg with a request that the State Attorney in Johannesburg must open a file. See the email dated 27 July 2022, attached hereto as annexure "D"

6.

Correspondence were received from Kobus Muller Attorneys dated 27 July 2022, attached hereto as annexure "E", regarding legal representation of Mr Rorich. Seemingly Kobus Muller Attorneys were of opinion that I am the instructing attorney on behalf of the police in the criminal matter. This was however not the case. An attorney from the office of the State Attorney in Johannesburg, Mr Regional Pooe was seemingly assisting the Police with the issue of lodging an application for leave to appeal as the criminal case originated in the area of Johannesburg.

7.


Legal Services of the police was corresponding with Mr Pooe as can be seen from the attached correspondence. The police gave an instruction to the office of the State Attorney in Johannesburg to proceed with the appeal as is evident from an email dated 29 July 2022 from myself to Kobus Muller Attorneys, attached hereto as annexure "F".

8.

Seemingly the State Attorney in Johannesburg was of opinion that our file must be transferred to them, before they can proceed with the matter. This is however not the correct position as the State Attorney in Johannesburg could have merely opened a new file.

9.

The SAPS Legal Services requested the State Attorney in Johannesburg to open a new file as is indicated in an email dated 28 July 2022 from Col Grobler. Attached to this email was an instruction letter dated 27 July 2022 with a request to open a file. Seemingly a file was not opened. See in this regard annexure "G".

TIM 

10.

The Legal Services of the SAPS also requested the State Attorney in Johannesburg to open a file in order to proceed with the lodging of an application for leave to appeal. I have received a letter from the State Attorney in Johannesburg dated 11 August 2022 attached hereto as annexure "H", indicating that they can only proceed with the matter if the file in Pretoria is "transferred" to the State Attorney in Johannesburg. There was an additional problem regarding the fee structure from the Counsel in the matter. The State Attorney in Johannesburg has indicated that they cannot proceed with the payment of the counsel's fee, as the State Attorney in Johannesburg cannot proceed with the higher fee structure of the current counsel.

11.

The police have instructed that the current counsel be retained and the State Attorney in Johannesburg indicated that they cannot retain the current counsel, due to a fee structure difficulty.

12.

I have received a request from the police to retain the current counsel and that the State Attorney in Pretoria must proceed with the matter in order not to delay the lodging of the application for leave to appeal. It was decided that the State Attorney Pretoria will for the time being handle the matter, due to various internal difficulties.

13.

In light of the above, I humbly request the Honourable Court to accept the explanation insofar as the application for leave to appeal is late. The lateness of the application is caused by internal processes pertaining to which office must proceed with the application and internal administrative difficulties which hampered a timeous lodging of the application.

14.

T.M. 

The Honourable Court is humble requested to grant condonation insofar as necessary



JAKOBUS MEIER

I certify that the Deponent has acknowledged that he knows and understands the contents of this Affidavit, which was signed and affirmed to before me on this 16 day of August 2022. The Deponent having acknowledged that he knows and understands the contents of this Affidavit, and that the contents are true and correct. That he has no objection to taking this oath and that he considers the oath to be binding on his conscience.



COMMISSIONER OF OATHS

FULL NAMES AND SURNAME: *Tlotakele Mabel Gumede*

DESIGNATION: *Warrant Officer*

BUSINESS ADDRESS: *137 Pretorius Street, Pretoria Central, Pretoria, 0002*



Annexure "A"

From: GP:Head Legal Services
Sent: Monday, 27 June 2022 08:41
To: 'RPooe@justice.gov.za' <RPooe@justice.gov.za>
Subject: FW: JUDGMENT

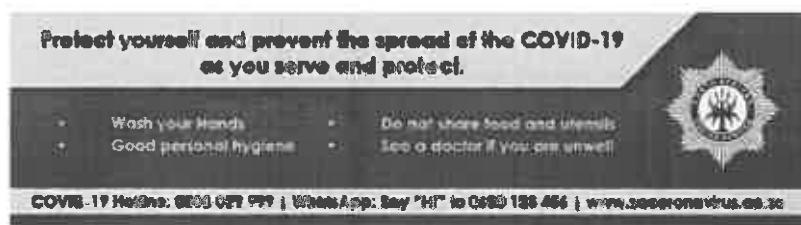
Hi Mr Poee

Please confirm whether you have filed the notice to Appeal this judgment as we are running out of time and this is a sensitive matter to the PC and Natcom.

Please revert ASAP.

MAJOR-GENERAL C HENDRICKS
Provincial Head Legal Services : Gauteng

Tel : 011 – 274 7898 / 7885
Fax : 011 – 274 7610 / 7565
Cell. : 082 413 1896
E-mail: GP:Prov. Head Legal Services [Internal]
hendricks@saps.org.za [External]



From: GP:Legal Serv:Grobler D - Col <GroblerDesre@saps.gov.za>
Sent: Friday, 24 June 2022 12:44
To: GP:Head Legal Services <Hendricks@saps.gov.za>
Cc: RPooe@justice.gov.za; GP:Legal Serv - Col Sarita Smit <SmitSarita@saps.gov.za>
Subject: FW: JUDGMENT

General

Please see the judgement in the Rorich matter.

This annexure is not complete as it does not have the last pages.

Are you aware of this?

Regards

Colonel D. Grobler
Litigation Management: PHO: Gauteng
011 547 9194
071 606 3775

Annexure 4 B 4

Meier Kobus

From: GP:Legal Serv:Grobler D - Col <GroblerDesre@saps.gov.za>
Sent: Wednesday, 29 June 2022 12:18
To: Pooe Reginald
Cc: Meier Kobus; GP:Head Legal Services
Subject: JUDGMENT: RORICH MATTER
Attachments: SKM_C55822061009030.pdf

Good day

I have spoken with Mr Meier and he indicated that the counsel, Adv Joubert is still on brief and we are to proceed with him to lodge the appeal.

He will forward the relevant documents as soon as possible. He is currently not in the office.

In the meantime, you are urgently requested to instruct Adv Joubert to lodge our application to appeal the judgement in this matter.

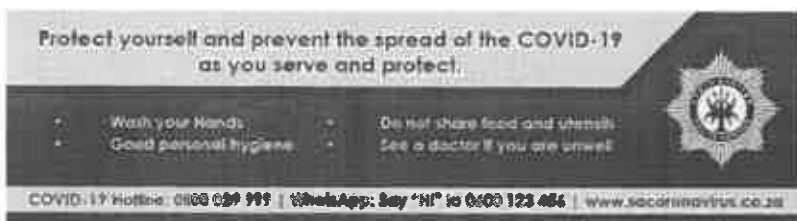
Regards

Colonel D. Grobler
Litigation Management: PHO: Gauteng
011 547 9194
071 606 3775

From: GP:Head Legal Services <Hendricks@saps.gov.za>
Sent: Wednesday, 29 June 2022 09:41
To: GP:Legal Serv:Grobler D - Col <GroblerDesre@saps.gov.za>
Subject: FW: JUDGMENT

MAJOR-GENERAL C HENDRICKS
Provincial Head Legal Services : Gauteng

Tel : 011 – 274 7898 / 7885
Fax : 011 – 274 7610 / 7565
Cell. : 082 413 1896
E-mail: GP:Prov. Head Legal Services [Internal]
hendricks@saps.org.za [External]



TU

Annexure "C"

Meier Kobus

From: GP:Head Legal Services <Hendricks@saps.gov.za>
Sent: Monday, 25 July 2022 09:18
To: Meier Kobus
Subject: Fwd: S v Mfalapitsa and Rorich; Court Order

Sent from my iPad

Begin forwarded message:

From: Pooe Reginald <RPooe@justice.gov.za>
Date: 25 July 2022 at 09:16:32 SAST
To: "GP:Head Legal Services" <Hendricks@saps.gov.za>, Chirese Botha <dawielaw@clickonline.co.za>, "GP:Legal Serv:Grobler D - Col" <GroblerDesre@saps.gov.za>, Groenewald Eleanor <GroenewaldD@saps.gov.za>
Cc: Dhulam Vijay <VDhulam@justice.gov.za>
Subject: RE: S v Mfalapitsa and Rorich; Court Order

Good day

I would like to place on record that our office does not have a file in regarding this matter and it is the Pretoria State Attorney matter.

I only stood in Mr. Kobus Meier of Pretoria in court when the Counsel was argued this matter, I will appreciate it,
If you want our office to deal with this matter, kindly request the Pretoria office to formal transfer it to Joburg state office

Warm Regards 

Reggie Tshapo Pooe
Senior Assistant State Attorney
JHB State Attorney

T +27 11 330 7685
M +27 82 561 7419
E rpooe@justice.gov.za

From: GP:Head Legal Services <Hendricks@saps.gov.za>
Sent: Tuesday, July 19, 2022 2:40 PM
To: Pooe Reginald <RPooe@justice.gov.za>; 'Chirese Botha' <dawielaw@clickonline.co.za>; GP:Legal Serv:Grobler D - Col <GroblerDesre@saps.gov.za>; Groenewald Eleanor <GroenewaldD@saps.gov.za>
Cc: Dhulam Vijay <VDhulam@justice.gov.za>
Subject: FW: S v Mfalapitsa and Rorich; Court Order

TJM

Hi Mr Poee

The attached correspondence refer. I am extremely worried about the manner in which you have handled this matter thus far. We are out of time regarding pursuing the Appeal as discussed and thus far you have not provided proof that you have filed a Notice of Appeal. The Saps is facing serious risk in this matter regarding the impact of these type of judgments on the finances. You requested that Mr Meier of Pta State Attorney transfer the file to you but you are missing in action and this behaviour is becoming untenable.

I re-iterate my previous discussion that we should brief Adv Le Roux who is on record regarding the issue of Appeal and to arrange a consultation.

A request is made to Mr Dhulam to intervene so as not to prejudice our chances for future litigation.

Regards

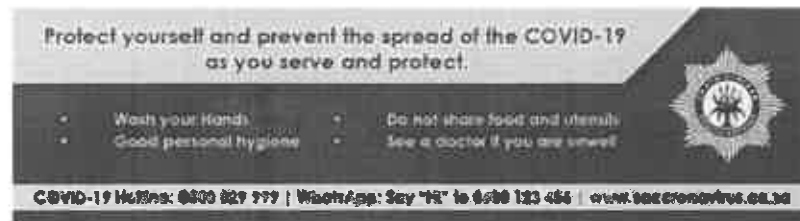
MAJOR-GENERAL C HENDRICKS
Provincial Head Legal Services : Gauteng

Tel : 011 – 274 7898 / 7885

Fax : 011 – 274 7610 / 7565

Cell. : 082 413 1896

E-mail: GP:Prov. Head Legal Services [Internal]
hendricks@saps.org.za [External]



From: Hlengane S. Ngobeni <hsngobeni@npa.gov.za>

Sent: Tuesday, 19 July 2022 11:35

To: GP:Head Legal Services <Hendricks@saps.gov.za>

Cc: Mmabogadi Morule <MMorule@npa.gov.za>; Hlengane S. Ngobeni <hsngobeni@npa.gov.za>;

GP: Provincial Commissioner Staff Officer <Gauteng-ProvComm@saps.gov.za>

Subject: S v Mfalapitsa and Rorich; Court Order

Good Morning Sir,

The court issued an order dated 31 May 2022, that the SAPS must fund the legal costs of Christiaan Rorich. To date, no response from the SAPS. May you kindly inform me of your intension or you may come to court tomorrow the 20th July 2022, to respond to this issue. The court order was emailed to you on the 1st June 2022 already.

May you kindly respond to this message.

Kind regards,

ADV. HS Ngobeni

TM

Meier Kobus

From: Meier Kobus
Sent: Wednesday, 27 July 2022 11:29
To: Pooe Reginald; Hendricks@saps.gov.za; GP:Legal Serv:Grobler D - Col (GroblerDesre@saps.gov.za); dawielaw@clickonline.co.za
Cc: GroenewaldD@saps.gov.za; Dhulam Vijay
Subject: RORICH LEGAL ASSISTANCE
Attachments: Message from KM_758

Dear Mr Pooye

CC Genl Hendricks
 CC Col Grobler
 CC Adv Dawie Fourie SC

LEGAL ASSISTANCE : RORICH

1. The telephonic conversations between writer hereof and Genl Hendricks, adv Dawie Joubert and Mr Pooye refer.
2. My understanding is that the Rorich matter was postponed to 19 August 2022. The legal assistance and the court order dated May 2022 is still a burning issue, which must urgently be resolved.
3. Genl Hendricks has indicated that the judgment/order must be take on appeal. It was agreed with him that adv Dawie Joubert must prepare an Application for leave to Appeal. Adv Joubert is on brief in the matter, at the request from Genl Groenwald. I hereby confirm that I have instructed adv Joubert to proceed with the application for leave to appeal and to be available to attend the court proceedings on 19 August 2022.
4. The Pretoria Office does not have authority/jurisdiction to operate in the Johannesburg court in criminal matters of this nature. The Johannesburg Office must open a file and proceed with the matter. We hereby request that Mr Pooye opens a file to proceed with the matter.
5. In order to open a file, I suggest that Genl Hendricks forward an instruction letter to the Johannesburg State Attorney, with a request to open a file. We can use the same counsel, being adv Joubert to proceed with the matter, as he is already on brief, as he has provided the SAPS with a legal opinion regarding State Cover of Rorich. In the alternative, the State Attorney in Johannesburg can use this email to open a file, on a transferral basis.
6. I am sending all the relevant information as an attachment, to open a file. This includes the following:
 - 6.1 The original instruction from Genl Groenwald dated 27 Jan 2022
 - 6.2 The information note from Genl Hendricks dated 17 Jan 2022
 - 6.3 Internal memo to appoint counsel
 - 6.4 Request for appointment of Counsel
 - 6.5 Urgent Legal Opinion
 - 6.6 Court order 23 March 2022
 - 6.7 Application for assistance with legal costs by Rorich
7. The Pretoria Office was only involved with the legal opinion. Same was received. The criminal matter is dealt with in the High Court Johannesburg.
8. The Pretoria office will in the meantime proceed with the payment of the invoices of adv Joubert, in order to facilitate the smooth running of the matter.

REGARDS

J MEIER
SENIOR ASSISTANT STATE ATTORNEY
OFFICE OF THE STATE ATTORNEY, PRETORIA
SALU BUILDING
316 THABO SEHUME STREET
PRETORIA
SWITCHBOARD: (012) 309 1500
DIRECT LINE: (012) 309 1563
EMAIL: kmeier@justice.gov.za



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

40 Elangeni
Buffelsdriftstraat 357
357 Buffelsdrift street
ERASMUSRAND 0181

Posbus / P.O. Box 12067
Clubview
0014



 082 416 6040

 086 632 9959

 kobusmuller1@absamail.co.za

27-07-2022

To: The State Attorney
JOHANNESBURG

To: The State Attorney
PRETORIA

To Maj Genl. R Hendricks
SAPS Legal Services

Dear Sirs

FINANCIAL SUPPORT: CS RORICH
STATE v MFALAPISA & RORICH
JOHANNESBURG HIGH COURT

1 On 25 March 2022 a rule nisi was argued in the above matter before Judge Motlageng in the Johannesburg High Court. The legal representatives of the families (who has an interest in the matter) argued that the SA Police Services is delaying the legal process due to their refusal to pay the legal costs of the Second Accused in the matter, CS Rorich.

2 Adv D Joubert SC argued the matter on behalf of the SAPS and opposed the granting of a final order. Writer hereof argued in support of the application.

3 The matter was postponed in Court to 26 April 2022 for judgement. Adv Joubert SC and Maj Genl. Hendricks were in court and were aware of the postponement date.

4 On 26 April 2022 the presiding Judge was unable to attend the court proceedings, and the matter was postponed to 4 May 2022, where judgement was delivered. It should be noted that the legal representatives of SAPS were absent on both occasions.

5 The judgement reads:

TJM

Consequently, I find that the SAPS as successor in title to the SA Police are in law obliged in terms of Standing Order 109 to provide legal assistance and legal representation of accused 2 by not later than 24 May 2022.

6 The matter was then postponed to 24 May 2022.

7 Writer hereof sent letters to the State Attorney and Maj Genl. Hendricks, informing them of the outcome of the matter. The Prosecutor arranged for service of the Court Order on all the parties.

8 Mr. Kobus Meier of the State Attorney in Pretoria, as well as Adv Joubert SC telephonically contacted writer hereof, and were informed of the outcome of the matter. Mr. Meier indicated that an attorney of the State Attorney in Johannesburg will be instructed to deal with the matter further. We later found out that Mr. Reginald Pooe received instructions from SAPS, but it was not known what the instructions were.

9 Adv Joubert SC could do nothing without instructions from SAPS via the State Attorney.

10 On 24 May 2022 the legal representatives of SAPS were again absent. The matter was then postponed to 19 July 2022 and writer hereof was requested to take the matter further with the State Attorney, which I did.

11 There were no responses to my letters to the State Attorney Pretoria, or the State Attorney in Johannesburg, or Maj Genl. Hendricks himself.

12 On 19 July 2022 no one representing SAPS were present in Court. The matter was rolled over to 20 July 2022.

13 On that day the presiding Judge ordered the Prosecutor to contact the State Attorney telephonically and request him to immediately report at Court to explain what was happening.

14 Mr. Reginald Pooe could not be reached, but his mobile phone kept on ringing. He then returned a call to writer's mobile phone, but we were in court, and it was missed.

15 The receptionist at the State Attorney was requested to get hold of him and to ask him to attend to court.

16 Writer requested to speak to the State Attorney personally but was told that she was on leave. A request was made to put me in contact with one of the Deputies, but I was

TOM

informed that they were all in a meeting and did not take calls. I was then put through to the most senior attorney available in the office and requested him to send an attorney to Court 4 F without delay. That did not happen.

17 Kindly request Mr. Reginald Poe to contact writer urgently. The matter has now been set down for trial on 17 August 2022 and we must finalize the detail of the financial support. Counsel must start with consultations and preparations, and the lack of cooperation makes it impossible to properly prepare for this trial.

18 We look forward to your urgent response.

Yours sincerely

CJJ Muller

TM

annexure 'F'

Meier Kobus

From: Meier Kobus
Sent: Friday, 29 July 2022 16:00
To: Kobus Muller
Cc: Dikgale Mokgobole; Mobeng Matshepo; Mukwevho Naledzani; Hendricks@saps.gov.za; Pooe Reginald; GP:Legal Serv:Grobler D - Col (GroblerDesre@saps.gov.za)
Subject: RE: STATE / MFALAPITSA & RORICH

Dear Mr Muller

1. Thank you for your letter dated 27 July 2022.
2. The matter was referred to Mr Reginald Pooye, for his urgent attention. He is a state attorney in Johannesburg.
3. Adv Dawie Joubert SC is on brief and he was alerted to, and requested to, be at court on 17 August 2022, if he is available.
4. The instruction from Genl Hendricks is that the ruling by His Lordship Motlageng be taken on appeal. Mr Pooye will assist adv Dawie Joubert SC, in lodging the application for leave to appeal. I trust that Mr Pooye will open a file in order to proceed with the matter, as the matter falls in the jurisdiction of the State Attorney in Johannesburg.
5. I trust that you will find the above in order.

REGARDS

J MEIER
SENIOR ASSISTANT STATE ATTORNEY
OFFICE OF THE STATE ATTORNEY, PRETORIA
SALU BUILDING
316 THABO SEHUME STREET
PRETORIA
SWITCHBOARD: (012) 309 1500
DIRECT LINE: (012) 309 1563
EMAIL: kmeier@justice.gov.za



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

From: Mukwevho Naledzani
Sent: Thursday, 28 July 2022 16:46
To: Meier Kobus <KMeler@justice.gov.za>
Cc: Dikgale Mokgobole <MoDikgale@justice.gov.za>; Mobeng Matshepo <MMobeng@justice.gov.za>
Subject: FW: STATE / MFALAPITSA & RORICH

Good day Dr,

Kindly but urgently attend to the enquiry below and respond to the Head of State Attorney office Johannesburg, Ms Mobeng, copying me in your response. The matter is urgent.

TM

Annexure 'G'

Meier Kobus

From: GP:Legal Serv:Grobler D - Col <GroblerDesre@saps.gov.za>
Sent: Thursday, 28 July 2022 09:34
To: Pooe Reginald
Cc: Groenewald Eleanor; Dhulam Vijay; Meier Kobus; GP:Head Legal Services; danielaw@clickonline.co.za
Subject: RE: RORICH LEGAL ASSISTANCE
Attachments: Message from KM_C558; RORICH ANNEXURES.pdf

Good Day

Attached, Please find our instructions relating to this matter.

It will be appreciated if your office can now urgently attend to the appeal of this matter.

Regards

Colonel D. Grobler
Litigation Management: PHO: Gauteng
011 547 9194
071 606 3775

From: Meier Kobus <KMeler@justice.gov.za>
Sent: Wednesday, 27 July 2022 11:28
To: Pooe Reginald <RPooe@justice.gov.za>; GP:Head Legal Services <Hendricks@saps.gov.za>; GP:Legal Serv:Grobler D - Col <GroblerDesre@saps.gov.za>; danielaw@clickonline.co.za
Cc: Groenewald Eleanor <GroenewaldD@saps.gov.za>; Dhulam Vijay <VDhulam@justice.gov.za>
Subject: RORICH LEGAL ASSISTANCE

Dear Mr Pooye

CC Genl Hendricks
CC Col Grobler
CC Adv Dawie Fourie SC

LEGAL ASSISTANCE : RORICH

1. The telephonic conversations between writer hereof and Genl Hendricks, adv Dawie Joubert and Mr Pooye refer.
2. My understanding is that the Rorich matter was postponed to 19 August 2022. The legal assistance and the court order dated May 2022 is still a burning issue, which must urgently be resolved.
3. Genl Hendricks has indicated that the judgment/order must be take on appeal. It was agreed with him that adv Dawie Joubert must prepare an Application for leave to Appeal. Adv Joubert is on brief in the matter, at the request from Genl Groenewald. I hereby confirm that I have instructed adv Joubert to proceed with the application for leave to appeal and to be available to attend the court proceedings on 19 August 2022.
4. The Pretoria Office does not have authority/jurisdiction to operate in the Johannesburg court in criminal matters of this nature. The Johannesburg Office must open a file and proceed with the matter. We hereby request that Mr Pooye opens a file to proceed with the matter.

SUID-AFRIKAANSE POLISIEDIENS**SOUTH AFRICAN POLICE SERVICE**

GroblerDesre@saps.gov.za

Verwysing Reference	057091-5/5
Navrae Enquiries	Maj General Hendricks Colonel Grobler
Telefoon Telephone	011 274 7898 011 547 9194
Faks Fax	011 274-7570

THE PROVINCIAL COMMISSIONER
DIE PROVINSIALE KOMMISSARIS
LEGAL SERVICES / REGSDIENSTE
GAUTENG PROVINCE / PROVINSIE
LITIGATION

2022-07-27

The State Attorney
Private Bag X 9
JOHANNESBURG
2000

Mr Poee

**LETTER OF INSTRUCTION: TREASURY REGULATION 12.2.2: LEGAL COSTS IN
CRIMINAL MATTER: JOHANNESBURG HIGH COURT: THE STATE v T.E.
MFALAPITSA AND C.S. RORICH: KRUGERSDORP CAS 86/08/2021 (MURDER):
CASE NO SS70/2021**

Your ref: UNKNOWN

1. Our letter dated 2022-03-24 and various e-mails on the topic has reference.
2. Your office is herewith now urgently requested to open a file regarding this matter as it is of great importance that this matter be brought to finality. There are currently four similar applications at the National Office, awaiting the outcome of this appeal.
3. Your office is herewith instructed to that the judgement granted on 2022-03-23, relating to the legal costs to be paid, be appealed.
4. Please take note that Adv D Joubert is already on brief in this matter should be retained as he already dealt with the matter and is familiar with the facts as he appeared on behalf of the Minister of Police in this Criminal Matter and has provided an opinion in the matter.
5. Attached, please find the following:
 - Instruction from Genl Groenwald dated 27 Jan 2022
 - The information note from Genl Hendricks dated 17 Jan 2022
 - Internal memo to appoint counsel
 - Request for appointment of Counsel
 - Urgent Legal Opinion
 - Court order 23 March 2022
 - Application for assistance with legal costs by Rorich
6. Kind regards.

TM

Annexure "H" A



Office of the State Attorney Johannesburg

Private Bag X 09
Johannesburg
2000

95 Albertina Sisulu Street
And Corner of Kruis Street
North State Building
Johannesburg
2001



Tel: Switchboard: 011 3307600
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Secretary: Vongani
Direct Line: 011 3307653
Email Secretary: VNgwenyama@justice.gov.za

Fax: (General): 011 337 7182
(Direct): 086 697 8894

11 AUGUST 2022

Enquires: R. T. POOE
Email: RPooe@justice.gov.za

Our ref:
Your ref: UNKNOWN

**OFFICE OF THE STATE ATTORNEY
CNR FRANIS BAARD & THABO SEHUME STREET
316 SALU BLD
PRETORIA**

**Attention: Mr. J. Meier
Per email: kmeier@justice.gov.za**

Re: STATE // MFALAPITSA & RORICH

We acknowledge receipt of your e-mail forwarded to Mr. Muller which we note the contents thereof.

We would like to place on record that Johannesburg State Attorney's Office would not simple open a file, while your office has an existin file regarding this matter.

I still reiterate that your office must transfer your file to Johannesburg

TM

State Attorney because there is already an existing file in your office and a counsel (i.e. Adv. Dawie Joubert SC) has already being briefed.

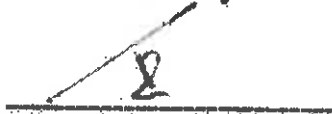
Please note that if we open a file here in Johannesburg State Attorney this will result in audit query in future.

Please note that I had discussion with our office Head (Ms. Mobeng) and she is of the view that we will only accept your file if transferred to Johannesburg State Attorney and the counsel accept our tariff fee which is R2 900.00 an hour and R29 000.00 per day because our office and your office tariffs differs.

Lastly we would like to know if there was any development regarding the drafting and lodging the Application for leave to appeal.

Your co-operation and speedily response will be highly appreciated seeing the matter is on the roll next week.

Yours faithfully



MR POOE (REGGY)
FOR/ STATE ATTORNEY
JOHANNESBURG

TM