FORM D

IN THE HIGH COURT OF SOUTH AFRICA, MPUMALANGA DIVISION,

MAIN / LOCAL SEATS

Before the Honourable Justice: _____

Held on (Date): _____

at (Place): _____

CASE NUMBER: _____

In the matter between:

THE STATE

And

_____ Accused 1

_____ Accused 2

JUDICIAL CASE MANAGEMENT OF CRIMINAL MATTERS

PART A: THE RIGHTS OF THE ACCUSED

WHEREAS the Accused, present at these proceedings, is hereby informed:

1. THAT he/she has the following rights in terms of the provisions of Section 35 of the Constitution of the Republic of South Africa, 1996

    1. to remain silent;
    2. to be informed

        2.1. of the right to remain silent; and

        2.2. of the consequences of not remaining silent;

    3. not to compelled to make any confession or admission that could be used in evidence against that him/her;

    4. THAT he/she is entitled to a fair trial, which includes the right-

        4.1. to be informed of the charge with sufficient detail to answer it;

        4.2. to have adequate time and facilities to prepare a defence;

4.3. to a public trial before an ordinary court;

4.4. to have their trial begin and conclude without unreasonable delay;

4.5. to be present when being tried;

4.6. to be presumed innocent, to remain silent, and not to testify during the proceedings;

4.7. to adduce and challenge evidence;

4.8. not to be compelled to give self-incriminating evidence.

2. THAT it is the State's duty to bring the accused to trial.

3. THAT there is no obligation upon the Accused to assist the State in any manner whatsoever in proving the alleged offences against the Accused.

4. THAT the Accused's representative is not obliged to assist the State or to advance matters harmful to the Accused's case.

5. THAT it is in the interests of justice, the proper functioning of this court and in the public interest as well as that of the Accused that the matter be finalized without undue delay;

6. THAT the Accused's participation in these proceedings are entirely voluntary;

7. THAT no inference whatsoever shall be made from a refusal of the Accused to further participate in these proceedings;

8. THAT in terms of the law, in the case of more than one accused, nothing said, admitted or stated by any co-accused is admissible against another accused

The accused or legal representatives, acknowledge/s that the accused

understands and appreciates the rights and responsibilities.

Accused 1: Yes ☐ No ☐ _____

Accused 2: Yes ☐ No ☐ _____

That the Accused willingly and without any influence whatsoever agrees to further participate in these proceedings.

Accused 1: Yes ☐ No ☐ _____

Accused 2: Yes ☐ No ☐ _____

PART B: LEGAL REPRESENTATION

(i) Appearing on behalf of the State:

_____

Address for service and contact information

(To be inclusive of a landline number, Cell phone number and email address)

_____

Particulars of the Investigation Officer:

_____

(ii) Appearing on behalf for the defence:

Accused 1 _____

Address of service and contact information

(To be inclusive of a landline number, Cell phone number and email address)

_____

Private Defense ☐ **Legal Aid Board:** ☐

If private Defence, is fees fully covered and/or are adequate arrangements made for fee: **Yes** ☐ **No** ☐

Is the Defence ready to proceed? : Yes ☐ No ☐

If not, furnish reasons for unreadiness:

_____

_____

Accused 2 _____

ADDRESS FOR SERVICE AND CONTACT INFORMATION

(To be inclusive of a landline number, Cell phone number and email address)

_____

Private Defence: ☐ Legal Aid Board: ☐

If private defence, is fees fully covered and/or adequate arrangements made for fees:

Yes ☐ No ☐

(If not, when will fees be covered and/or adequate arrangements made for fees)

Is the Defence ready to proceed? ☐ Yes ☐ No

If not, furnish reasons for unreadiness:

PART C:

INFORMATION TO BE FILLED IN AS PER FORM E1 READ WITH PARA 14 OF THE PRACTICE DIRECTIVE

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