



## **JUDICIAL CONDUCT COMMITTEE**

Ref no: JSC/1094/23

**In the matter between:**

**Mr Simon Prophet**

**Complainant**

**and**

**Judge N C Erasmus**

**Respondent**

**Date: 14 August 2024**

**Decision: The appeal is dismissed.**

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### **RULING**

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**THE JUDICIAL CONDUCT COMMITTEE (JAFTA J, SHONGWE JA  
SALDULKER JA and MABINDLA-BOQWANA JA)**

[1] This is an appeal in terms of section 15(5) of the Judicial Service Commission Amendment Act of 20 2008 (the Act). The complainant is Mr S Prophet and the complaint is against Judge NC Erasmus of the Western Cape Division of the High Court.

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[2] The complaint is undated but the secretariat for the Judicial Service Commission acknowledged receipt of the complaint on 5 May 2023. The Acting Chairperson of the Judicial Conduct Committee (the Committee) considered the complaint and dismissed it in terms of section 15(2)(d) of the Act on the grounds that it was frivolous and lacking in substance and further that it did not fall within the parameters of any grounds set out in section 14(4) of the Act.

[3] The complaint is convoluted. The Committee could not make out head or tail of it. The complainant starts by saying '[t]o the best of my knowledge it is unlawful or I prefer to say criminal for a judge to tell lies in his judgment and then to make a ruling in that judgment based on the lies he has presented to punish the individual about whom he has lied'. Later in the complaint he states that '[i]n 2003 Judge NC Erasmus granted the forfeiture of my home at 54 Balfour street, Woodstock. The civil court case was in the High Court of Cape Town Case Number 5926/01.'

[4] It is clear that the complaint emanates from the judgment handed down by Erasmus J in the matter he presided on in 2003 and made adverse findings against the complainant. Clearly the complainant is aggrieved by the outcome thereof and wishes to take the matter further. The complainant appealed to the Supreme Court of Appeal (SCA), which appeal was dismissed and thereafter proceeded to the Constitutional Court and lost the appeal. He reported the matter to the South African Police Service (SAPS) and no docket was opened. In a further attempt to have the matter resolved he submitted a complaint to the Public Protector (PP) but he found no joy there as well.

[5] He is now before this Committee on appeal. After reading through his papers appeal it is difficult to identify his grounds of appeal. He goes on to state that: 'Erasmus has done wrong but it is the National Director of Prosecutions that has been the mastermind and the driving force behind all the wrongs that have been done to me and I am asking for a reasonable settlement of R12 million from the National Director of Prosecutions and it will be in the public interest for this to happen'. There is no discernible ground of appeal.

[6] The respondent filed a response in which he stated that there was no merit in the complaint as it emanates from a judgment he made almost 20 years ago. The SCA and the Constitutional Court also made pronouncements on the merits of the case and made findings which the complainant apparently finds no reason to complain about.

[7] The complainant did appeal the order of Erasmus J up to the apex court. The complaint is about the merits of the judgment or order made by the Judge. Therefore, its dismissal by the Acting Chairperson was correct. The appeal falls to be dismissed.



JUDICIAL CONDUCT COMMITTEE