



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

REPORTABLE
CASE NO. SS 26/2006

THE STATE

VS

SYDNEY MANGENA

ACCUSED

Coram	:	DLODLO, J
Judgment by	:	DLODLO, J
Counsel for the State	:	ADV. WJ DOWNER (SC) ADV. M SEBELEBELE
Instructed by	:	The National Director of Public Prosecutions CAPE TOWN
Counsel for the Accused	:	ADV. L. JOUBERT
Instructed by	:	The South African Legal Aid Board CAPE TOWN
Date(s) of Hearing	:	17, 18, 19, 20, 24, 25 MAY 2010 01, 02, 03, 10 JUNE 2010 02 & 05 AUG. 2010
Judgment (Sentencing) delivered on:		05 AUG. 2010



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SENTENCING DELIVERED ON THURSDAY, 05 AUGUST 2010

DLODLO, J

- [1] Mr. Mangena, I need to inform you that a wide discretion is allowed to the trial court in the assessment of punishment, except only in instances where a minimum sentence is set by statute. The imposition of punishment has long been considered to be 'pre-eminently a matter for the discretion of the trial court'. See: *R v Mapumulo* 1920 AD 56; *R v Dhlamayo & Another* 1948 (2) SA 677 (A); *Terblanche and Roberts* 2005 SACJ 187; *S v Pieters* 1997 (3) SA 717 (A).

The discretion I have mentioned above must at all times be exercised in a proper and judicial manner. See: *Ex parte Minister of Justice*: in

re *R v Berger* 1936 AD 334; *R v Ramanka* 1949 (1) SA 417 (A); *S v Letsolo* 1970 (3) SA 476 (A).

- [2] In the exercise of the sentencing discretion I am duty bound Mr. Mangena, to consider the triad consisting of the crime, the offender and the interests of society. See: *S v Zinn* 1969 (2) SA 537 (A) at 540 C; *S v Du Toit* 1979 (3) SA 846 (A); *S v Holder* 1979 (2) SA 70 (A) at 744 *et seq.* Just and fair sentence should be imposed with regard to the triad I have just mentioned. On this path I am on determine an appropriate sentence to be imposed on you Mr. Mangena, I also bear in mind that I must guard against over-emphasizing your interests and under-emphasizing the interests of the victim and the community at large. See: *S v Oosthuizen en 'n Ander* 1996 (1) SACR 475 (O). Although it remains a guiding principle that imprisonment should not lightly be imposed if the objective of punishment can be met by another form of punishment, you, however, fall in a totally different category Mr. Mangena as far as the murder charge is concerned. In your particular category it is not a matter of normal court discretion because the Legislature in its wisdom and in a clear endeavour to contain the escalation of serious crimes like the murder you have been found guilty of, promulgated the Criminal Procedure Amendment Act 105 of 1997. This Act has become known as the Minimum Sentences Act in legal circles because it makes provisions that should a person be found guilty of certain transgressions falling within its defined ambits, such a person should be punished in a certain fashion unless the trial court finds the existence of substantial and compelling circumstances. In the latter event, the court will not

be bound to punish as directed by the Minimum Sentences Act, but may punish differently in the exercise of its discretion.

- [3] *S v Du Toit* 1979 (3) SA 846 (A), a judgment by Rumpff CJ has the following formulation of note:

“Die belang van die gemeenskap by ‘n straf wat opgelê word, is veelledig. In sommige gevalle tree die belang na vore wanneer die gemeenskap beskerm moet word teen die gedrag van ‘n bepaalde individu. In ander gevalle verdien die belang oorweging wanneer die orde en vrede in die gemeenskap ter sprake kom. In ander gevalle weer tree die belang na vore wanneer lede van die gemeenskap afgeskrik moet word. In die tyd waarin ons leef, is die misdade waaraan appellant skuldig bevind is van so ‘n aard dat die gemeenskap ...nie anders as besonder hewig geskok kon gewees het nie en ‘n straf ter afskrikking moet gevolglik sterk oorweeg word.”

Regarding the influence of the sentence on the offender's personal circumstances the Chief Justice held:

“Wanneer die aard van die misdaad en die belang van die gemeenskap oorweeg word, is die beskuldigde eintlik nog op die agtergrond, maar wanneer hy as strafwaardige mens vir oorweging aan die beurt kom, moet die volle soeklig op sy persoon as geheel, met al sy fasette, gewerp word. Sy ouderdom, sy geslag, sy agtergrond, sy geestestoestand toe hy die misdaad gepleeg het, sy motief, sy vatbaarheid vir beïnvloeding en alle relevante faktore moet ondersoek en oorweeg word. En hy word nie met primitiewe wraaksug beskou nie, maar met menslikheid en dit is hierdie menslikheid wat in elke geval, hoe erg ook al, vereis dat versagtende

omstandighede ondersoek moet word. Hierdie omstandighede, indien daar is, skep die genadefaktor waarna in hierdie Hof vantevore verwys is en wat dan na oorweging van alle ander omstandighede, moet lei tot 'n gepaste vonnis."

See page 857 H – 858 B of the Law Report. Because you in your capacity as the offender Mr. Mangena, whenever I give due regard to the interest of society, the nature of the crimes you stand guilty of, you permanently remain in the background, hence a full scale investigation of your personal circumstances becomes an obligation on the part of the Court.

- [4] I proceed to consider your personal circumstances as testified to by yourself and as amplified by your counsel in submissions in mitigation of sentence. The personal circumstances of yourself, Mr. Mangena, were communicated to this Court by way of evidence. You testified that:

You were born on 19 May 1960 and simple calculation means that you are presently fifty (50) years old. I am told you were only forty four (44) years old at the time you committed the offences. You have six (6) brothers and one (1) sister. The latter, however, passed away. You and your elder brother were raised by your grandmother in Wellington. You told the court that your grandmother found it difficult to make ends meet and had to sell vetkoek and fish to support her family. You and your brother had to lend a helping hand in that after school you also sold the vetkoek and fish to the hostel dwellers.

- [5] You told the Court that you subsequently moved to Paarl where you stayed with your uncle. When your eldest brother left school and sought employment in order that he would be able to support you and your other brothers, he was arrested in the Transkei. That resulted in you leaving school. When your brother was released from prison and was able to resume employment, you returned to school. You passed standard nine (9) and enrolled at the St. Pete's College in Ciskei in order to study as a Priest. You successfully completed your studies and you were ordained in 1978 as a Priest in the Catholic Church. However, in 1994 you were called upon by the African National Congress (ANC) to join their office in Cape Town. This happened because you were an MK member since the year 1989. You left that job after four (4) months. Afterwards you joined the South African Police Service as a sergeant. You were later promoted to the rank of a Warrant Officer. You worked for the SAPS for nine (9) years and eleven (11) months.
- [6] You left that employment when you were offered a job at JCI, a company owned by the late Brett Kebble. You received your monthly salary from this company even when you were incarcerated for the present case. Upon being released on bail, the company continued to pay you your salary. The company, however, closed down upon the death of its owner, Brett Kebble. You then worked for a company called Q-Drive, but this company also closed down. You then started your own construction company. You are the father of six (6) children ranging from twenty four (24) to two (2) years of age. You suffer from gout and you find it very difficult to get medication in

prison. You testified that you are sorry for what you did and that you phoned the deceased's mother to ask for her forgiveness. No previous convictions have been proved against you. This is undoubtedly an important factor counting in your favour as you stand before me today;

- [7] The crimes this Court has found you guilty of are very serious indeed Mr. Mangena, but murder of your previous intimate partner, Oceania Thobeka Vuso is particularly serious. It is very clear to me that your anger knows no limits at all Mr. Mangena. I remember clearly how you angrily dragged Ms Ndludlu out of the car driven by the deceased at Ndabeni Street intersection, Langa Township. You dealt with her rather roughly. Had it not been for members of the public from the vicinity who intervened, you probably would have grievously injured her. You then told her that she was interfering in your relationship with the deceased and threatened her by informing her that you have bought a gun and that you would kill her. One saw the same pattern of uncontrolled anger when you confronted Gerald Bushule at Apartment 3, Carradale Marina, V&A Waterfront. Evidence has taught me that Gerald Bushule was no stranger to you. He was a friend of yours who is so near to you such that he was asked by you to be your best man in the aborted marriage planned to take place between you and the deceased. All this did not matter to you. In truth, Mr. Bushule was unfairly illtreated. He was at some point concerned about your unanswered calls which he noticed on the cellphone belonging to the deceased. In an honest attempt to break the impasse between you and the deceased, he telephoned you. He

received a slap in the face regard being had to your response to that particular call. I have never come across a man who harbors anger for such a long time.

- [8] You clearly became angry actually the day the deceased communicated to you that she was done with the love relationship which then existed between the two of you. Your anger worsened when she did not take your calls even before the trip to Colesberg. It shall be recalled that on 16 March 2004 when you assaulted Ms Ndludlu, it was because you wanted to talk to the deceased and she was not taking your calls. You hunted her down and found her driving a car in which Ms Ndludlu was a passenger. You were angry. You remained angry until you undertook a trip to Colesberg. When on your way back you again could not have your way in that the deceased could not talk to you, the anger worsened. Because you long decided to rather kill the deceased and also Ms Ndludlu, you decided that that was time to implement your long hatched plan.
- [9] What kind of person is this who remains angry for months and for so many hours? You drove a distance of about 800km from Colesberg to Cape Town, but you did not reconsider your unlawful decision to go and kill the deceased. From March 2004 to May 2004 you did not reconsider. I thought that human nature is such that anger cools down and people look afresh at decisions taken. In any event the crimes you have been found guilty of ordinarily make it obligatory for this Court to consider to impose upon you a term of imprisonment. All that needs determination is for how long. If I had my way I would

want the Prison authorities amongst their programs in store for you, to include a program that deals with anger management if there is such a program. You must learn to accept that a woman even if married to you, remains an independent person who is and never will be a possession of yours. She is free to make her own decisions on virtually everything. She is free to choose who her friends are. She is also free to tell you that she no longer loves you. Yours is merely to accept her decisions and respect them. You were not, for an example, entitled to dictate to the deceased that she may not become a friend to Ms Ndludlu and *visa versa*.

- [10] Ms Fundiswa Jozi was asked in cross-examination to describe what kind of a man Mr. Mangena was. When she answered and expressed her view saying that you are a cruel man, for obvious reasons counsel was not pleased with that answer. Ordinarily opinion evidence is not admissible save where the opinion is that of an expert in the subject matter. But, when inadmissible evidence is elicited in the manner Ms Jozi was asked, it becomes admissible. In any event, having presided over this matter from beginning till now, I am of the view that Ms Jozi's description perfectly fits you. You are a cruel man. You dealt with the deceased mercilessly. You *inter alia* shot her in her leg, she apparently succeeded to move to outside the Apartment to escape from you. You shot her a further three (3) times. Of these shots two (2) were inevitably designed to be fatal (in the heart from the front and in the head from behind). The remaining shot was from behind in the back. Interestingly the deceased hid away in the flowerbed below the balcony with Ms Bulisile. You hunted her down. The first person

you came across was Ms Bulisile. Although she feared you would mistake her for the deceased, that was not to be. You knew your target. When Ms Bulisile said "do not shoot me, I am not Thobeka", you passed her gracefully and proceeded to your intended target. You executed your plans properly. Mr. Mangena, Courts are inundated with crimes like these where partners in a relationship kill each other. It is time now that these crimes be contained. Law enforcement agencies should strictly speaking be allowed to focus on crimes out there instead of crimes in the corridors of lovers.

- [11] It is expected of reasonable citizens of this country to have the ability to contain any anger. It cannot be an excuse that a person committed crimes out of anger. Strangely the anger was directed at certain persons – not everybody. You hunted down the deceased and you proceeded to execute her. You asked Ms Fundiswa Jozi where 'Gogo' was referring to Ms Ndludlu and you told Ms Fundiswa Jozi you also wanted to kill Ms Ndludlu. Your reaction when you saw her (after the arrival of the police) speaks louder than words. Ms Ndludlu narrowly escaped death on 23 May 2004 at Apartment 3 Carradale Marina, V&A Waterfront.
- [12] The State presented evidence in aggravation of sentence. Lisa Anne Vetten, employed as Senior Researcher and Policy Analyst at the Tshwaranang legal Advocacy Centre is also an experienced Counsellor who has worked with over four hundred (400) women experiencing domestic violence. She testified and fully interpreted the Report she prepared in connection with this matter. The Report

was handed in as **Exhibit "L"** in these proceedings. In her concluding remarks, Ms Vetten stated the following:

"In conclusion, very many South African women are subject to violence and abuse at the hands of their intimate male partners. Indeed, in relation to intimate femicide, South Africa records the highest such figures in the world. That these figures are so high only illustrates the extent to which such violence is tolerated and condoned by many in South Africa. Indeed, a number of studies provide empirical support for the widespread acceptance of men's use of violence to discipline and control their female partners (Seedat et al., 2009; Wood, Lambert and Jewkes, 2008; Kalichman et al., 2005; Chiroro et al., 2004). Both South African and international data confirm that terminating a relationship does not necessarily bring women respite from their former partner's demands and expectations, any more than leaving guarantees their safety. In arriving at a suitable sentence for the accused, the courts should take into account the need to deter the widespread nature of violence against women, as well as make clear that such conduct cannot be excused or trivialized, given its extremely serious consequences."

This is indeed very much concerning, to say the least.

- [13] The deceased is now lost to her immediate family and to her only child, Latitha. She is lost to her country, South Africa and her life was taken away by yourself, Mr. Mangena. No punishment which this Court gives or any Court could give for that matter, would ever compensate anybody for the life the deceased was robbed of in such a gruesome manner.

[14] The third consideration to be borne in mind is the interest of society. South African society presently lives in fear because serious crimes are gradually becoming difficult to contain. Our legal system and particularly our Supreme law, the Constitution guarantees the South African population safety and protection. It, however, becomes rather difficult for the State to afford protection deserved to its citizens if those that are near and dear to the victims become themselves perpetrators. Society has a Constitutional right to look to the Courts and law enforcement agents for protection. I am duty bound to express society's displeasure in the imposition of sentence. Because if I do not do that part of my duty, I shall have failed the community on that aspect and that can understandably at times result in members of society taking the law into their own hands. It is in this context that in *R v Karg* 1961 (1) SA 231 (A) at 236 B the Court observed as follows:

"It is not wrong that the natural indignation of the interested persons and of the community at large should receive some recognition in the sentences that Courts impose, and it is not irrelevant to bear in mind that if sentences for serious crimes are too lenient, the administration of justice may fall into disrepute and the injured persons may incline to take the law into their own hands."

[15] However, as I proceed to punish you for the offences you have been convicted of, I must not punish so as to satisfy the community. The sentence imposed cannot be there merely to satisfy the public

opinion. In this regard see in *S v Mafu* 1992 (2) SACR 494 (A) at 496 g-j where the following appears:

"A sentencing policy that caters predominantly or exclusively for public opinion is flawed. It remains the Court's duty to impose fearlessly an appropriate and fair sentence even if the sentence does not satisfy the public."

Baker J of this Division warned the Courts in *S v Van der Westhuizen* 1974 (4) SA 61 (C) at 66 E – F when he stated:

"...that justice must be done, but it must be done with compassion and humanity, not by rule of thumb, and that a sentence must be assessed not callously or arbitrarily or vindictively, but with due regard to the weaknesses of human beings and their propensity for succumbing to temptation.but it must also be borne in mind that the consideration of mercy must not be allowed to lead to the condonation or minimization of serious crimes."

[16] *SS Terblanche* in his authorative work on sentence – *Guide to Sentencing in South Africa* at page 175 – 176 wrote the following formulation I fully agree with:

"The interests of society are best served by a sentence which produces the biggest advantage, or the least potential harm, to society. Any positive purpose (positive for the community, that is) which can be served by the sentence, should therefore be promoted in the interests of society. If future crime can be prevented by a sentence, whether by deterring the accused or other potential offenders, whether by reforming the offender, or whether by

protecting society from the offender by other means, such a sentence will be in the interest of society."

[17] Mr. Mangena I regard you as a person who is extremely dangerous to the community and indeed you are also a danger to your own self. I say that you are a danger to yourself because of the kind of violence you have shown you are capable of as displayed towards the deceased. One time you may be inclined to do the same to some other person who might effectively defend himself/herself against you, resulting in you yourself sustaining serious injuries. But, you are a coward Mr. Mangena. You attacked this helpless and indeed defenceless female person. You chose a soft target for yourself. When it was your turn to die you ended up holding the gun against your head – you feared to pull the trigger. You feared death, but you easily shot and killed the deceased.

[18] I would be failing in my duty though, Mr. Mangena, if I omit to mention to you that it has become one of the principles of sentencing that the sentence imposed must as a matter of necessity be blended with an element of mercy. Mercy has become an element of justice itself. Mercy, however, has nothing to do with maudlin sympathy for the criminal. Mercy has been described as a balanced and humane quality of thought which tempers one's approach when considering the basic factors of letting the punishment fit the criminal as well as the crime and being fair to society. In other words, I need not reduce an appropriate sentence in order to make provision for mercy. See: *S v Rabie* 1975 (4) SA 855 (A). The Supreme Court of Appeal has over

the years dealt exhaustively with the question of remorse and/or an element of mercy referred to above. Whilst this Court remains duty bound to extend mercy to you Mr. Mangena, it is concerning that after having shot the deceased once in the Apartment, you followed her and shot her further outside the Apartment. You clearly wanted to ensure that she died. You showed no mercy towards her. She probably must have been crying asking for forgiveness of her perceived sins, but that clearly did not appeal to you, Mr. Mangena. You wanted no disturbance in your plan to kill the deceased. As correctly pointed out by Mr. Downer, whenever the Court considers the question of remorse, it is bound also to give deserved attention to what the then Appellate Division said in *S v Seegers* 1970 (2) SA 506 (AD) at 511G, namely:

"Remorse, as an indication that the offence will not be committed again, is obviously an important consideration, in suitable cases, when the deterrent effect of a sentence on an accused is adjudged. In order to be a valid consideration, the penitence must be sincere and the accused must take the Court fully into his confidence. Unless that happens the genuineness of contrition alleged to exist cannot be determined."

You most certainly did not take this Court into your confidence. You were rather economical with the truth. You probably thought you could succeed to deceive the Court. You withheld vital information hoping that you could be found guilty of a lesser crime.

[19] As alluded to *supra*, Mr. Mangena, the offence, namely murder, you were found guilty of, imposes an obligation on this Court to punish you in a manner prescribed by the Minimum Sentence regime. However, section 51 (3) (a) of that Act stipulates that if I am satisfied that substantial and compelling circumstances exist which justify the imposition of a lesser sentence than prescribed, I must enter those circumstances on the record of the proceedings and I may only then proceed to impose upon you such a lesser sentence as I would have determined.

[20] It is appropriate that I consider the submissions in mitigation made on your behalf by Ms Joubert. She correctly prefixed her submissions in this regard by saying that murder *per se* is a horrendous crime and that it not only ends the life of the victim, but it normally has a tremendous ripple effect in that those who are left behind, have to deal with the loss of a loved one and that in itself is never easy. I ponder and imagine what will happen on the unknown day when Latitha shall have grown up enough when she shall have attained knowledge that she grew up without her biological mother merely because the man who rightfully is her biological father, planned to kill her and subsequently succeed in executing the contemplated murder. Ms Joubert in an honest and duty bound endeavour to assist this Court in identifying substantial and compelling circumstances submitted that the sentence applicable to an offence of murder you stand convicted of, resorts under Part II of Schedule 2 of Act 105 of 1997 wherein fifteen (15) years imprisonment is prescribed. She referred this Court to *S v Raath* 2009 (2) SACR 46 (C).

[21] Ms Joubert is most certainly mistaken in this regard. The category under which the sentencing regime in this matter resides is properly set out in the indictment and need not be confused. Moreover, this Court at Judgment stage found it proved that you, Mr. Mangena, carefully planned this murder. The plan was hatched by you in March 2004. You communicated it to Ms Ndludlu. In May 2004 when you were on the way from Colesberg, you phoned Mrs. Njokweni and in no uncertain terms informed her that you were going to fetch your firearm from your house and that you would thereafter proceed to V&A Waterfront in order to shoot and kill the deceased. The *S v Raath* case *supra* I am referred to is totally different from the present case. It hardly helps this Court because it is distinguishable factually. According to Ms Joubert, the following should be regarded as constituting substantial and compelling circumstances:

- (a) This murder was clearly the result of a stormy love relationship between the Accused and the deceased. It seems from the evidence that various attempts were made by both the Accused and the deceased to try and make the relationship work, but clearly to no avail. When the Accused committed the crime, he was suffering from some sort of emotional trauma. This was clearly the result of the stormy "roller coaster" relationship the Accused and the deceased had;
- (b) The Accused has lost his work and his house as a result of this crime. He furthermore has to live with the fact that he has taken the life of the woman he dearly loved.

The Court was referred to *S v Rammutla* 1992 (1) SACR 564 (BA) at 567 where the following *obiter dictum* stands:

"It has been accepted by our Courts that where there has been a love relationship which has been broken, the "injured" party may well be so emotionally affected and disturbed that he will resort to violence resulting in the death of the erstwhile lover. Such an emotional state has been regarded as an extenuating."

[22] The submissions made by Mr. Downer (SC) carefully crafted features of this case that are aggravating, namely *inter alia*:

- (a) That the murder was committed with calculation and pre-meditation;
- (b) That Mr. Mangena began to hatch his murderous intentions against the deceased and Ms Ndludlu at least by March 2004, some months before the murder in May. The firearm was bought. The aggravation lies on the fact that Mr. Mangena threatened to kill Ms Ndludlu in March 2004 and proceeded with this threat in May 2004.

[23] It is of course true that you wished to impose your will on the deceased and Ms Ndludlu against their firm indications that they had considered the matter and were not prepared to yield to your demands. This aspect is beyond that I am capable to comprehend. You by then had a girlfriend, Phumeza and probably other girlfriends as well. Why must you force your will on the deceased who has made it clear that she was done with the relationship that ever existed between the two of you? This is indeed the actions of a man to whom

a lady dare not say 'I no longer love you'. Love and commitment come from both sides. How on earth does a person resort to violent means to secure his love? That would be no love at all, but a classical example of abuse. I fully agree with Mr. Downer that you, Mr. Mangena, exhibited pervasive cruelty in the manner you executed your plan to murder the deceased. It was not only being disrespectful of Mrs. Vuso, the deceased' mother to telephone her and inform her to come and take the dead body of her daughter whom you had killed, but it was also inhumane, inconsiderate and indeed very cruel.

- [24] The difficulty in your particular matter, Mr. Mangena, is that there are just too many aggravating factors in this matter. Your only mitigating factor as pointed out *supra*, is that you are the first offender. But, that factor is easily swallowed by the overwhelming aggravating factors. It is true that when one is on the path to determine whether or not there exists substantial and compelling circumstances in this matter, one would ordinarily derive benefit by falling back on the decision of the *S v Malgas* 2001 (1) SACR 464 (SCA). This authoritative decision provides a host of considerations relevant to this enquiry. *Malgas* case *supra* makes it abundantly clear that the Minimum Sentence should ordinarily be imposed unless there are truly convincing reasons for a different sentence. The Courts are required to regard the prescribed sentences as being generally appropriate for crimes specified and they are enjoined not to depart from such prescribed sentences unless they are satisfied that there is weighty justification for doing so. I do not accept that the factors mentioned by Ms Joubert constitute substantial and

compelling circumstances. It will be recalled that the version presented to this Court by Mr. Mangena when he testified in his own defence was found wanting and was rejected as a version that is not reasonably possibly truthful. Of course, it is important to note that **Malgas** case *supra* also decided that the ordinary mitigating factors including the personal circumstances of an accused person may amount to substantial and compelling circumstances if same are cumulatively considered. It was also decided in the **Malgas** case that if the sentencing Court on consideration of the circumstances of the particular case is satisfied that they render the prescribed sentence unjust in that it would be disproportionate to the crime, the criminal and the needs of society, so that an injustice would be done by imposing that sentence, it is entitled to impose a lesser sentence.

[25] I have thoroughly gone again through the evidence presented in this case. I have analyzed and critically evaluated evidence led by the defence in mitigation of sentence. I have given due consideration to the submissions made for and on behalf of the defence in this matter. I have done all this because it is my duty to identify and record these substantial and compelling circumstances if I find that they do exist. It pains me Mr. Mangena to inform you that I have been unable to find the existence of substantial and compelling circumstances in this case despite the diligent search I have engaged in.

[26] Having considered the circumstances of this particular case, I am satisfied that they do not render the prescribed sentence unjust such that it can possibly be described as disproportionate to the crime of

murder you have been found guilty of, yourself, the offender, and the needs of society. I am not persuaded that the imposition of such sentence shall amount to an injustice being done to you. In short Mr. Mangena that means that you are a candidate for life imprisonment as far as Count 4 (murder of the deceased) is concerned.

[27] After having given due consideration to everything that deserves the Court's consideration as mentioned earlier on above, I sentence you as follows Mr. Mangena:

(a) **COUNT 1 – Assault on Ms Noluthando Ndludlu:**

You are sentenced to undergo imprisonment for twelve (12) months.

(b) **COUNT 2 – Assault on Mr. Gerald Bushule:**

You are sentenced to undergo imprisonment for twelve (12) months.

(c) **COUNT 3 – Pointing of a firearm at Nomalizo Bulisile:**

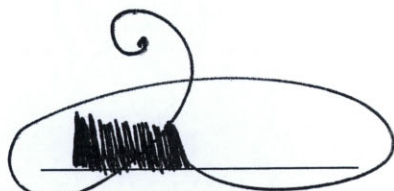
You are sentenced to pay a fine of Four Thousand Rand (R4 000.00) or to undergo imprisonment for the period of one (1) year.

(d) **COUNT 4 – Murder of the deceased, Oceania Thobeka**

Vuso:

You are sentenced to undergo imprisonment for life.

It is ordered in terms of section 280 (2) of the Criminal Procedure Act 51 of 1977 as amended that the sentences on Counts 1, 2 and 3 shall run concurrently with the sentence on Count 4.

A handwritten signature in black ink, featuring a large, stylized 'J' that loops around a dense, scribbled-out area, possibly representing the name 'Dlodlo'.

DLODLO, J