

**IN THE HIGH COURT OF SOUTH AFRICA
(NORTHERN CAPE HIGH COURT, KIMBERLY)**

**Case No: K/S 15/2011
Heard on: 29-08-2011
Delivered on: 20-09-2011**

STATE

V

JOHANNA CHANGISA

JUDGMENT

PHATSHOANE J

1. The accused, Ms Johanna Changisa, a 24 year old woman is arraigned before me on the charge of murder read with the provisions of s 51 of Criminal Law Amendment Act, 105 of 1997. The state alleges that on or about 27 November 2010, at or near Hartswater, in the district of Hartswater, she unlawfully and intentionally killed Nthesang Petoro Pitso, a male person estimated to be 30 years of age in the autopsy report.
 2. The accused pleaded not guilty to the charge and in amplifying her plea, Mr Cloete, who appeared on her behalf submitted that she acted in self-defence. The key to the photos and the autopsy report were handed in as evidence by consent and marked annexures "A"
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and “B,” respectively. The following admissions were recorded formally in terms of s 220 of the Criminal Procedure Act, 51 of 1977(the CPA):

- 2.1 The identity of the deceased as depicted in the photos appearing in annexure “A” (the key to the photos).
 - 2.2 The contents of the medico-legal autopsy report as compiled by Dr Adin Don Surtie.
 - 2.3 That the body examined by Dr Surtie is that of the deceased.
 - 2.4 That the body of the deceased did not sustain any further injuries from the time it was removed from the scene until the autopsy was performed on it.
3. Ntshedisang Julia Changisa, the accused’s niece, Jeremiah Peiye Changisa, the accused’s cousin, and Kedibone Valerie Lucas were in the company of the accused and a group of friends during the early hours of the morning of 27 November 2010. The deceased, a man unknown to the mentioned three state witnesses, approached them from the front and walked passed. From here the witnesses gave divergent accounts of the events. Nonetheless what is germane is that while this group walked further the accused dropped off. She was later found approximately 30 meters behind the group with the deceased whose T-shirt was blood stained. The deceased was on his knees while the accused held a knife in her hand.
4. Smalberger JA enunciated the approach as follows in ***S v Francis***

1991(1)SACR 198 (A) at 203h-j

“It was therefore incumbent upon the trial Court to properly evaluate the evidence of D in the light of its alleged deficiencies, and the criticisms voiced against it, in order to determine whether it measured up to the standard required for its acceptability. If it did not measure up to such standard, it would not avail the State in the discharge of the onus of proof upon it that accused No 5 failed to testify. While an accused person's failure to testify may in appropriate circumstances be a factor in deciding whether his guilt has been proved beyond all reasonable doubt, this is only so where the State has prima facie discharged the onus upon it. A failure to testify will not remedy a deficiency in the State case such as the absence of apparently credible implication of the accused (S v Masia 1962 (2) SA 541 (A) at 546E-F).”

5. At the close of the state's case the accused exercised her right to remain silent and has therefore not rebutted the state's case. The principle applicable in this kind of situation has been set out in **S v Boesak 2001 (1) SACR 1 (CC)**. The Constitutional Court had to deal with the question whether the applicant's contention that his right under s 35(3)(h) of the Constitution 'to remain silent and not to testify during the proceedings' was infringed by the SCA. It was contended amongst others that the SCA improperly relied on the applicant's failure to give evidence to conclude that there had been proof beyond reasonable doubt. At p9 para 24 Langa DP lays down the principle with regard to right to remain silent as follows:

“The right to remain silent has application at different stages of a criminal prosecution. An arrested person is entitled to remain silent and may not be compelled to make any confession or admission that could be used in evidence against that person. It arises again at the trial stage when an accused has the right to be presumed innocent, to remain silent, and not to testify during the

proceedings. The fact that an accused person is under no obligation to testify does not mean that there are no consequences attaching to a decision to remain silent during the trial. If there is evidence calling for an answer, and an accused person chooses to remain silent in the face of such evidence, a court may well be entitled to conclude that the evidence is sufficient in the absence of an explanation to prove the guilt of the accused. Whether such a conclusion is justified will depend on the weight of the evidence. What is stated above is consistent with the remarks of Madala J, writing for the Court, in Osman and Another v Attorney-General, Transvaal, when he said the following:

'Our legal system is an adversarial one. Once the prosecution has produced evidence sufficient to establish a prima facie case, an accused who fails to produce evidence to rebut that case is at risk. The failure to testify does not relieve the prosecution of its duty to prove guilt beyond reasonable doubt. An accused, however, always runs the risk that, absent any rebuttal, the prosecution's case may be sufficient to prove the elements of the offence. The fact that an accused has to make such an election is not a breach of the right to silence. If the right to silence were to be so interpreted, it would destroy the fundamental nature of our adversarial system of criminal justice.'

6. It must without more ado be said that Ntshedisang and Jeremiah did not witness the murder. Kedibone on the other hand said she saw the accused stabbing the deceased. It is axiomatic therefore that this was not a case of a murder mystery. Through the accused's admission that she acted in self-defence it is common cause that she killed the deceased. What remains for determination is the crisp issue of whether the killing was unlawful. The chief autopsy findings made by Dr Surtie reflects that the deceased had a fatal 20mm incision on the left anterior chest 30mm from midline and 30mm below the sterna notch entering the chest through the cartilage of the 2nd rib with incision of the lung and aorta. He also had fatal 14 mm incision on the left anterior chest from midline and 90 mm below the sterna notch and tract running inferiorly and entering the chest through the 4th

intercostals space with incision of the heart.

7. Ntshedisang and Jeremiah contradicted each other but not to a material degree on the question whether at the time that the deceased was approaching them they were walking in one or two groups. According to Ntshedisang the group was never divided. She says after approximately 30 meters she turned back to check on the accused. She found the accused and the deceased positioned in the manner already described. She called his brother, Jeremiah, who on arrival took the knife away from the accused and said: *“Look at what s..t you have done”*, referring to the accused. Jeremiah states that they were walking in two groups. His sister, Ntshedisang, who was in the group behind them, in the company of other women, came rushing to him shouting that the accused has stabbed the deceased.

 8. Kedibone on the other hand alleges that when the deceased was approaching the group she heard the accused saying that she wanted to stab the deceased. She does not know if the other members of the group heard this utterance. She advised the accused not to stab the deceased as he had done nothing to her. This evidence remains uncontroverted.

 9. Kedibone’s testimony contradicts that of Ntshedisang and Jeremiah in the following respects: She testified that the accused followed the deceased. Approximately 5 meters away from the group the accused took out a knife in her left pocket and stabbed the deceased on his back. When confronted in cross-examination on the alleged spot where the deceased was stabbed she at first said it was around the left shoulder and later changed to say that she did not know precisely
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where the injuries were inflicted. Her assertion concerning the location of the stab wounds is at odds with the injuries depicted on the photos and contradicts the contents of the medico-legal autopsy report which concludes that the cause of death was “multiple” stab wounds to the chest. Kedibone’s evidence is not entirely satisfactory on this aspect. Quite understandably Kedibone is an unsophisticated young woman who did not attend school and observed the events in poor light.

10. Mr Louw, counsel for the state, submitted that the state did not prove its case beyond a reasonable doubt. He contended that the state did not lead evidence to controvert the accused’s statement from the bar that she acted in self-defence. Consequently, he submitted, the state cannot request that the accused be found guilty on the charge. Mr Cloete, the defence counsel, not surprisingly, align himself with the state on this score. He contended that in the circumstances of this case the accused ought to be acquitted. Mr Louw referred me to **S v Thebus and another 2003 (2) SACR 319 (CC)** at 348 para 57 where the following dicta appears:

“In our constitutional setting, pre-trial silence of an accused person can never warrant the drawing of an inference of guilt. This rule is of common-law origin. In R v Mashelele and Another, Tindall JA, relying on the English decision of R v Leckey formulated the rule thus:

‘(I)f the silence of the accused could be used as tending to prove his guilt, it is obvious that innocent persons might be in great peril; for an innocent person might well, either from excessive caution or for some other reason, decline to say anything when cautioned. And I may add that an accused person is often advised by his legal advisers to reserve his defence at the preparatory examination. It would, also, in my opinion, have been a misdirection to say that the silence of the accused was a factor which tended to show that their explanation at the trial was concocted.’

11. The quoted passage in ***S v Thebus*** supra deals with the pre-trial silence of an accused person and not with his silence at the trial stage where a prima facie case based on common cause facts had been made out against him or her. After all has been said and done, save that the accused intimates that she killed in self-defence, there is no explanation from her in evidence post the closure of the state's case on what gave rise to the untimely demise of the deceased or the manner in which the defensive act was carried out to ward-off the attack. Consequently I drew counsel's attention to what the Court decided in ***S v Manona 2001 (1) SACR 426 (Tk)***. In that case the court dealt with an application for the discharge of the accused in terms of s174 of the CPA. In my view the principle enunciated in this decision is apposite. Kruger AJ who was confronted with an almost similar situation made the following remarks:

“An assault and the killing of a human being is an action which is prima facie unlawful. Once it becomes common cause that the accused has assaulted or killed the deceased or the victim in self-defence, an evidential burden is placed on the accused to rebut the prima facie presumption of unlawfulness. In such cases a discharge under s 174 cannot be granted.

I am alive to the fact that the evidential burden on the accused can be discharged by reference to the version of the State witnesses – see S v Ostilly and Others 1977 (2) SA 104 (D) at 107D - E; S v Heller and Another (2) 1964 (1) SA 524 (W) at 541.

In this case the State did not have a version at all of how the killing occurred save that the killing had occurred. Therefore it would be a simple matter for the accused to adduce evidence setting out his self-defence. The accused would be entitled to an acquittal if there is a reasonable possibility that he acted in self-

defence. See *R v Patel* (supra at 124A).

In the circumstances therefore, the accused having admitted and it being common cause that he killed the deceased there is an evidential burden on the accused to place evidence before the court showing circumstances of private defence. Thus an application under s 174 cannot be allowed."

12. In *S v Makwanyane and Another 1995 (2) SACR 1 (CC)* at 57 para 144 Chaskalson P states:

"The rights to life and dignity are the most important of all human rights, and the source of all other personal rights in Chapter 3. By committing ourselves to a society founded on the recognition of human rights we are required to value these two rights above all others. "

At para 138 in relation to the ground of justification raised the learned President of the Constitutional Court proceeds:

"Self-defence is recognised by all legal systems. Where a choice has to be made between the lives of two or more people, the life of the innocent is given preference over the life of the aggressor. This is consistent with s 33(1). To deny the innocent person the right to act in self-defence would deny to that individual his or her right to life. The same is true where lethal force is used against a hostage taker who threatens the life of the hostage. It is permissible to kill the hostage taker to save the life of the innocent hostage. But only if the hostage is in real danger. The law solves problems such as these through the doctrine of proportionality, balancing the rights of the aggressor against the rights of the victim, and favouring the life or lives of innocents over the life or lives of the guilty. But there are strict limits to the taking of life, even in the circumstances that have been described, and the law insists upon these limits being adhered to".

13. Mr Louw maintained that regardless of how inadequate the accused's explanation is the state should still prove its case beyond a reasonable doubt and had failed to discharge its onus. This is precisely where Mr Louw's contention is fallacious. As already pointed out there is no version emanating from the accused. In ***Narotam v Madhav and Another 1965 (4) SA 85 (W)*** at 88D-89A Colman J had this to say:

"The rule laid down in the later cases, indeed, goes further than to require the Court to consider those portions of the evidence which qualify or explain the adverse admission relied upon by the adversary of the person who gave the evidence. Even those parts of the evidence which are unrelated to that admission must be considered. It would seem, therefore, that in this situation, a party may enjoy the benefit of a self-serving statement which he would not have been allowed himself to place before the Court.

It was pointed out, however, that the Court is not obliged to give equal weight to every part of the statement. The credibility of each portion must be weighed, and, it was said by GREENBERG, J.A. in Valachia's case, the favourable portion of the statement must be given such weight as, in the opinion of the Court, it deserves. This guarded statement was elaborated (albeit cautiously) by OGILVIE THOMPSON, J.A., in Vather's case at p. 354, in these terms:

' . . . although the rule of Valachia's case[1961 (1) SA 350 (AD)], requires that consideration must be given to the whole of the earlier statement, it does not necessarily follow that any great weight is to be assigned to those portions of the earlier statement which are favourable to the person who made it. Where the earlier statement is not made under oath it may be that, for obvious reasons, but little or even no weight is to be attached thereto . . . Where the earlier statement is made under oath, and more especially where the deponent has been cross-examined, more reason may be said to exist for attaching some weight to it'.

The effect of the authorities, as I understand them, is this: Whether the statement before the Court is a record of evidence at an insolvency interrogation or any other extra-judicial statement, the Court must consider

every part of the statement which bears, directly or indirectly, upon the issues in the trial in which it has been produced. No part of that statement is to be disregarded merely because it is favourable to the person who made it. But the weight, if any, to be given to a favourable part of the statement must be determined by the Court in the light of a number of factors. These will include the probabilities, the extent to which and the manner in which the deponent was cross-examined, and his credibility, as far as it can be judged from the written record of what he said. Regard will be had to the motives which are likely to have operated on the deponent's mind at the time when he made the statement, and to the other relevant evidence in the trial at which the statement was produced.

In the present case there was no other evidence which dealt with the issue sought to be resolved by the defendants' statements, so that in deciding what weight to give to the various portions thereof I shall have to rely, almost entirely, upon what may broadly be called the internal indications. I shall also have to resolve some ambiguities arising out of the manner in which questions and answers were framed."

14. On a commentary with regard s151 of the CPA which, in a nutshell, provides that the accused may address Court and adduce evidence the following passage appears in **Hiemstra's Criminal Procedure** by A Kruger at 22-13:

"It should be borne in mind that only when the state has presented prima facie proof implicating the accused can an answer be expected. Insufficient proof requires no answer (Erasmus v R 1945 OPD 50 at 74). Silence cannot be used to supplement the state's case where there is no evidence upon which a reasonable person would convict."

15. The persistent Mr Louw referred me to the following three further cases in support of his argument that a conviction is not sustainable:

In **R v Moleko 1955 (2) SA 401 (A)** at 403F-G the Court held:

“The onus of negating self-defence in a criminal case encumbers the Crown (R v Ndhlovu, 1945 AD 369 at p. 381). On this proposition counsel were in agreement and it was consequently common cause that the learned trial Judge had misdirected the jury in this regard.”

In **S v Ngomane 1979 (3) SA 859 (A)** at 863A-C Trollip JA stated:

“As to ground (4) concerning self-defence. Here again, for the same reasons, appellant's version that he acted in self-defence must be accepted. The question is, however, whether, on an objective consideration of the situation, he acted reasonably and legitimately in order to protect himself against the deceased (see, eg, S v Motleleni 1976 (1) SA 403 (A)). The onus is, of course, on the State to prove beyond reasonable doubt that he exceeded the legitimate bounds of self-defence. In ground (4) the Court a quo seems to have put the onus on appellant to prove self-defence; if so, that approach was incorrect, for it was for the State to have negated it. But, be that as it may, I think that, although appellant acted in self-defence, the proved facts do negative it as a tenable defence. They show that the appellant acted far too precipitately or used excessive force to effect his escape.”

In **S v Motleleni 1976 (1) SA 403 (A)** at 407C-D the Court made the following concluding remarks:

“It must be remembered that where the question of self-defence is raised, or is suggested by the evidence, the onus nevertheless remains on the State to prove beyond reasonable doubt that the accused acted unlawfully, and that he realised or ought reasonably to have realised that he was exceeding the bounds of self-defence. See S. v. Ntuli, [1975 (1) SA 429 (AD)], at p. 437.”

16. Mr Cloete referred me to **S v Teixeira 1980 (3) SA 755 (A)** at 764E-F where the court pronounced:

“It is by no means clear what the Court meant by saying that it had been

conceded by appellant's counsel that the "purported defence of self-defence had not been established" (my italics). If the Court a quo intended to say that appellant had not discharged the onus of proving his defence, and that that was the concession made by his counsel, then counsel was in error in making the concession and the Court a quo misdirected itself. The onus was quite clearly on the State to prove beyond any reasonable doubt that appellant acted unlawfully, ie that in the circumstances appellant's action in killing the deceased was not justified."

17. What sets this matter before me strikingly apart from the case law counsel referred me to is that in all of the cases the Court had at least the version of the accused before it. I align myself with the views expressed by Willis J in ***S v Dougherty 2003 (4) SA 229 (W)*** at 243 para 39:

"In contemporary South Africa the test, although objective (and even taking into account the qualifications, in particular the subjective situation in which an accused person finds himself, expressed in cases such as S v Motleleni, S v Goliath and S v Ntuli (supra)), must be a high one. Section 11 of the Constitution and the spirit of the decisions in S v Makwanyane (supra) and Ex parte Minister of Safety and Security: In re S v Walters (supra) point in this direction."

18. The following dictum appears in ***Mugwena & another v Minister of Safety and Security 2006 (4) SA 150 (SCA)*** at 157J - 158D:

'Self-defence, which is treated in our law as a species of private defence, is recognised by all legal systems. Given the inestimable value that attaches to human life, there are strict limits to the taking of life, and the law insists upon these limits being adhered to.

"Self-defence takes place at the time of the threat to the victim's life, at the moment of the emergency which gave rise to the necessity and, traditionally, under circumstances in which no less severe alternative is readily available to the potential victim....

The test is an objective one. The question to be answered is whether a reasonable person in the position of Constable Matumba would have considered that there was a real risk that death or serious injury was imminent.'

19. In **S v Steyn 2010 (1) SACR 411 (SCA)** at 416 para 18-19 the Court fully set out the legal position as follows:

"It is indeed so that when an accused raises a plea of private defence, the court's initial inquiry is to determine the lawfulness or otherwise of the accused's conduct and that, if found to be lawful, an acquittal should follow....

Every case must be determined in the light of its own particular circumstances and it is impossible to devise a precise test to determine the legality or otherwise of the actions of a person who relies upon private defence. However, there should be a reasonable balance between the attack and the defensive act as 'one may not shoot to kill another who attacks you with a flyswatter'. As Prof J Burchell has correctly explained

'... modern legal systems do not insist upon strict proportionality between the attack and defence, believing rather that the proper consideration is whether, taking all the factors into account, the defender acted reasonably in the manner in which he defended himself or his property'.

Factors relevant to the decision in this regard include the following (the list is by no means exhaustive):

- *the relationship between the parties;*
 - *their respective ages, genders and physical strengths;*
 - *the location of the incident;*
 - *the nature, severity and persistence of the attack;*
 - *the nature of any weapon used in the attack;*
 - *the nature and severity of any injury or harm likely to be sustained in the attack;*
 - *the means available to avert the attack;*
 - *the nature of the means used to offer defence;*
 - *the nature and extent of the harm likely to be caused by the defence."*
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20.The killing of a fellow human being is prima facie unlawful. The evidence of the state witnesses to the effect that the deceased walked passed them without saying a word remains uncontroverted. The accused decided to detach herself from the group evidently for no other reason than she intended to stab the deceased and did so, according to Kedibone's uncontroverted evidence. It is common course that she was found at the scene carrying a knife. Ntshedisang testified that the deceased was on his knees with both his hands hanging downwards. This evidence cannot be brushed aside. In the same breath there is no evidence that the deceased was carrying any weapon with him or posed any danger to the accused. These undisputed and common cause facts militate strongly against the terse statement from the bar by the accused's counsel that she acted in self-defence.

21.I am of the view that in the face of this unassailable evidence, the concessions made by the state were clearly wrong. Concessions wrongly made cannot bind a Court. On a conspectus of all issues I am of the view that the state proved its case beyond a reasonable doubt and that accused is guilty of murder with the direct intention to kill regard being had to the nature and the situation of the fatal injuries.

22.I make the following order.

Order:

- 1. The accused, Johanna Changisa, is found guilty on the count of murder with the direct intent to murder.**

I now proceed to deal with the sentence

SENTENCE

Delivered: 19-10-2011

23. The state called Mr Rhodes Pitso, the deceased's younger brother, who testified that they are four siblings, two sisters and two brothers. Two of his other siblings passed away. His parents are still alive. The deceased who had separated with his wife was residing at Bonita Park, Hartswater. He was engaged in casual or temporary employment and would assist on home front in buying groceries. He lamented the fact that the deceased's untimely death brought sadness in the family.
24. Mr Cloete, the defence counsel, submitted the following mitigating circumstances from the bar: that the accused is 24 years old; she attended school up to standard 4 (grade 6) and has no dependants. He argued that the accused did not plan to murder the deceased. This coupled with the fact that the accused is a first offender; is of a youthful age and that she was under the influence of alcohol constitutes a compelling and substantial circumstance, he contended. Counsel urged that a term of 15 years imprisonment would be excessive in the circumstances of the case. He suggested that any term of imprisonment imposed should have a portion thereof

suspended.

25. In reply, Mr Louw, for the state, advanced that a term of 15 years imprisonment would be appropriate. He contended that it cannot be said that the murder was planned when one has regard to the evidence of Kedibone who intimated that when the deceased was approaching the group he heard the accused saying she wanted to stab the deceased. He argued that the evidence of planning is necessary before a conclusion could be reached that the offence was planned.

In **S v Raath 2009 (2) SACR 46 (C)** at 53 para 16 the Court held:

“Planning and premeditation have long been recognised as aggravating factors in the case of murder. See S v Khiba 1993 (2) SACR 1 (A) at 4; and S v Malgas 2001 (1) SACR 469 (SCA) (2001 (2) SA 1222; [2001] 3 All SA 220) at para 34. As Terblanche Guide to Sentencing in South Africa 2 ed states at 6.2.2, planned criminality is more reprehensible than unplanned, impulsive acts. However, there must be evidence that the murder was indeed premeditated or planned.

26. In considering sentence the Court should have regard to the crime, the offender, and the interest of the society and impose a sentence which would try to balance the nature of the offence and circumstances under which the offence was committed, the character of the offender, his/her circumstances and the impact of the crime on the victim and the community, its welfare and concern. See **S v Zinn 1969 (2) SA 537 (A)** at 540G and **S v Banda and Others 1991 (2) SA 352 (B)** at 355A –C.

27. The offence committed is no doubt very serious. The right to life is fundamental and is protected in our Constitution and cannot be

sacrificed at the altar of a flimsy and unfounded self-defence. To this day it is hidden underground how the accused killed the deceased. The deceased, like any citizen in this country, deserved to live. He was a stranger to a group of friends that testified in the proceedings and was killed for no reason. Within his limited means he assisted his family. His untimely death has left a lacuna in their lives. In this case the interest of the society should be more important than the interest of an individual because society must be protected against the likes of the accused for a reasonably lengthy period.

28. In ***S v Mabuza and others 2009 (2) SACR 435 (SCA)*** at 443-444 para 23 Cachalia JA pronounced:

“While youthfulness is, in the case of juveniles who have attained the age of 18, no longer per se a substantial and compelling factor justifying a departure from the prescribed sentence, it often will be, particularly when other factors are present. A court cannot, therefore, lawfully discharge its sentencing function by disregarding the youthfulness of an offender in deciding on an appropriate sentence, especially when imposing a sentence of life imprisonment, for in doing so it would deny the youthful offender the human dignity to be considered capable of redemption.”

29. A first offender naturally should be treated with a modicum of leniency. The accused is an adult whose action clearly rules out immaturity. There was no evidence suggesting that the accused's alcohol consumption robbed her of her senses of appreciating that her deeds were despicable neither did she claim so. She also did not show any contrition or appear to have been moved.

30.The accused was charged with murder read with the provision of s51(1) of the Criminal Law Amendment Act 105 of 1997. The SCA dealt with the question of minimum sentencing in **S v Malgas 2001 (1) SACR 469 (SCA)** at 481 para 25 as follows:

“Courts are required to approach the imposition of sentence conscious that the Legislature has ordained life imprisonment (or the particular prescribed period of imprisonment) as the sentence that should ordinarily and in the absence of weighty justification be imposed for the listed crimes in the specified circumstances. Unless there are, and can be seen to be, truly convincing reasons for a different response, the crimes in question are therefore required to elicit a severe, standardised and consistent response from the courts. The specified sentences are not to be departed from lightly and for flimsy reasons. Speculative hypotheses favourable to the offender, undue sympathy, aversion to imprisoning first offenders, personal doubts as to the efficacy of the policy underlying the legislation, and marginal differences in personal circumstances or degrees of participation between co-offenders are to be excluded.....”

31.The aggravating circumstances present in this matter outweigh the accused's mitigating or personal circumstances, cumulatively viewed. What the accused placed before me is nothing out of the ordinary.

32.In the circumstances the following sentence is imposed:

1. On the charge of murder: The accused is sentenced to 14 years imprisonment.

**MV PHATSHOANE
JUDGE
NORTHERN CAPE HIGH COURT**

On behalf of the State	Adv C Louw
Instructed by	Director of Public Prosecutions
On behalf of the accused	Adv J Cloete
Instructed by	Legal Aid Board