

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO: CC15/2024

DATE: 16-08-2024

DELETE WHICHEVER IS NOT APPLICABLE

(1) REPORTABLE: YES / NO

(2) OF INTEREST TO OTHER JUDGES: YES / NO

(3) REVISED.

DATE 12/09/2024

SIGNATURE [REDACTED]

10 In the matter between

THE STATE

and

JOHANNES TEBOGO MFETE

Accused

S E N T E N C E

MOSOPA, J: Mr Mfete, it is unfortunate that I will be sentencing you when the country is celebrating the Women's month. Women in this country have been at all material times treated as second-class citizens.

Male chauvinism and patriarchy have always been the order of the day in this country, Gender-based violence is a very serious crime in this country. Despite measures taken by the government in trying to educate people, like yourself to

respect the privacy and the independence of women. It appears to have fallen on deaf ears. You do not have respect for women. I cannot imagine how you can shoot a pregnant woman multiple times, a defenceless person.

I am looking at the *post-mortem* photos as they were presented by the state. Just a rough scan. I have seen that the unborn child was also injured because of your actions.

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You have little respect for the law, Mr Mfete. You were employed as a police officer, a law enforcement officer, you do corruption, and you were released on warning; you further go and commit an offence. You must consider yourself to be lucky.

I am not bound by this sentence agreement, but my hands are now tied, because I am willing to accept this sentence agreement. If it was not for this agreement, we could have

20 gone for an ultimate penalty.

You are still a young man, but your behaviour does not accord with your age. As a trained police officer, you should have known better. But like I have said, you have got little respect for the law. You have little respect to the

right to human dignity and security of women. The facts are not clear in this matter, but it appears that you might have used this service pistol to shoot and kill the deceased.

The sentence that I am going to impose in terms of the agreement that you reached with the state. I want it to be a sentence that will make you understand that issues are not resolved violently. I want you to be a better person when you come out of prison. I hope that you will take advantage
10 of what is presented at prison in respect of programs which you are offered, especially, anger management.

The fact that you were told that you are not the biological father of the child. In my considered view, could have assisted you in a sense that if maybe you had paid maintenance for that child, you had a remedy of claiming back whatever you have contributed towards the child. Because it was coming from the deceased herself that you are not the biological father. But you opted to use a gun.

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You do not respect the privacy of other people. You go to the workplace of the deceased carrying a loaded firearm and in full view of people, you brutally and mercilessly shot and kill the deceased. You do not know the trauma that the people who witnessed this merciless killing of the deceased

the trauma that the people who witnessed this merciless killing of the deceased have endured. I am looking at the scene photo album. It shows that the deceased has just arrived at the parking lot when she was confronted with this rain of bullets. What type of a behaviour is this, Mr Mfete? But I hope with this sentence you will go and reflect in a dark corner that you will be sent to from here.

You were selfish as you did not take into consideration the
10 interest of your child. I do not know how old the child is, because the age is not given here. But looking at your age, there is a possibility that this child is still young. As you are going to spend time in prison, it means that this child will grow up with an absent father in her life.

So, having said that, I am going to impose this sentence in terms of the agreement that you and your counsel reached with the state. I am not going to consider concurrent running of sentences. I am however satisfied that the
20 sentence that I am going to impose now in terms of the agreement you reached with the state is a just sentence.

Mr Mfete, you are sentenced as follows.

Count 1, you are sentenced to 35 years' imprisonment, of which 5 years is suspended for a

period of 5 years, on condition that you do not commit any offence during the period of suspension.

ORDER

It is ordered that the accused will serve an effective sentence of 30 years' imprisonment.

It is further ordered that the accused be declared unfit to possess a firearm, in terms of section 103 of Act 60 of 2000, it is the Firearms Control Act.

10 That will be your sentence, sir.


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MOSOPA J

JUDGE OF THE HIGH COURT

DATE: 12/09/2024