



**IN THE HIGH COURT OF SOUTH AFRICA
[EASTERN CAPE DIVISION: BHISHO]**

Case No. CC30/2024

In the matter between:

THE STATE

and

MELUMZI BONKOLO

Accused

JUDGMENT

JOLWANA J

[1] The accused was charged with two counts of robbery with aggravating circumstances as defined in section 1(1)(b) of the Criminal Procedure Act 51 of 1977 (the CPA)¹ and two counts of murder. These charges related to two separate incidents, the first of which occurred on 29 March 2023 at Mngqesha Location in

¹ Section 1 reads:

- (1) In this Act, unless the context otherwise indicates –
 - ‘aggravating circumstances in relation to –
 - (a) ...
 - (b) robbery, or attempted robbery, means –
 - (i) the wielding of a firearm or any other dangerous weapon;
 - (ii) the infliction of grievous bodily harm; or
 - (iii) a threat to inflict grievous bodily harm,
- by the offender or an accomplice on the occasion when the offence is committed whether before or during or after the commission of the offence.’

Dimbaza, in the district of Zwelitsha. The second incident occurred on 1 January 2025 at Thembisa in Dimbaza, still in the district of Zwelitsha. In respect of all the charges, the State invoked the provisions of section 51 of the Criminal Law Amendment Act 105 of 1997 (the Minimum Sentences Act) about which the accused confirmed that his legal representative had advised him about its implications in the event of a conviction.

[2] The accused pleaded guilty to all the charges preferred against him. His legal representative handed up to the court a statement by the accused in terms of section 112(2) in which the accused sets out the facts which he admits and on the basis of which he pleaded guilty. After considering the contents of the said statement, the accused was convicted on two counts of aggravated robbery and two counts of murder. In *Hanisi*² the court explained the essence of a statement by the accused in terms of section 112(2) and how the court should go about dealing with such a statement. The court said:

“A court considering a statement made in terms of s 112(2) exercises its discretion to determine whether the statement admits all the elements of the offence in question. If it is not satisfied that that is so, it must question the accused as set out in section 112(1)(b) to clarify any matter raised in the written plea. If it determines that the statement is satisfactory and admits all the elements of the offence, it shall convict the accused on the plea of guilty. When the written plea detailing the facts on which the plea is premised is accepted by the prosecution, it constitutes a factual matrix on the strength of which an accused will be convicted and the sentence imposed. The written plea is aimed at ensuring that the court is provided with an adequate factual basis to make a determination on whether the admissions made by the accused support the plea of guilty tendered.”

[3] The provisions of section 51 of the Minimum Sentences Act are the foundation upon which all considerations of appropriate sentences are built where this section is

² Director of Public Prosecutions, Gauteng Division Pretoria v Hanisi 2018 (2) SACR 230 (SCA) at para 7.

invoked and the court is satisfied that the factual matrix as disclosed in the guilty plea statement establishes the jurisdictional facts upon which minimum sentences can be considered. The fact that section 51 is invoked and the basis upon which it is invoked is disclosed in the indictment are, in themselves, insufficient for the Minimum Sentences Act to be applicable. More is required which may be evidence and a finding by the court in its verdict that jurisdictional facts relied upon in the indictment have been established by the evidence tendered by the State where the accused pleaded not guilty. In the event of a plea of guilty statement tendered in terms of section 112(2) and accepted by the State, the State must ensure that the statement does in fact deal with or disclose the basis on which it invoked the provisions of the Minimum Sentences Act. If the statement does not, the State has a choice not to accept the plea of guilty statement, otherwise its reliance on the provisions of section 51 becomes tenuous at best. Similarly with an oral plea of guilty by the accused, the jurisdictional facts have to be established on which section 51 is relied upon for the minimum sentences to be imposed. In the event of the plea of guilty referred to in section 112(1)(b) of the CPA, the court must question the accused with reference to the facts alleged in the indictment. It goes without saying that the facts alleged in the indictment include not only the allegations of how and when the offence was committed, but also the facts relating more specifically to the basis on which the State has invoked the provisions of section 51.

[4] For example, if the basis on which section 51 is invoked is that the offence was planned or premeditated, the court must question the accused to establish if he admits that aspect of the allegations against him. This is necessary because it is the bedrock on which a proper exercise of the sentencing discretion will be based. Similarly with a section 112(2) statement, it would be unjust for the State to accept

the statement which does not deal with or disclose facts that establish premeditation or prior planning where section 51 has been invoked on that basis. Where the statement does not deal with that aspect, section 112(2) does give the court a discretion to question the accused for purposes of it being satisfied that the offence was in fact premeditated.

[5] Where all else fails in that the court has not questioned the accused on this aspect of the indictment despite a written plea of guilty statement being silent, section 112(3) entitles the State to tender the necessary evidence as would establish premeditation for purposes of sentence. This is very clear even from the terms in which section 112(3) of the CPA is couched which provides:

“Nothing in this section shall prevent the prosecutor from presenting evidence on any aspect of the charge, or the court from hearing evidence, including evidence or statement by or on behalf of the accused with regard to sentence or from questioning the accused on any aspect of the case for purposes of determining an appropriate sentence.”

[5] The question of premeditation or any basis upon which the provisions of section 51 of the Minimum Sentences Act are invoked are, in my view, included in the phrase “*any aspect of the charge*” as that aspect of the charge is very relevant for purposes of determining an appropriate sentence. It is particularly important and is also trite that before an accused pleads to the charges, he is informed of the possible minimum sentences being imposed should he be convicted of the offence charged. This enables him or her to make up his mind or even reconsider his or her decision regarding whatever plea he or she may have intended to enter.

[6] In this case all the facts on the basis of which section 51 of the Minimum Sentences Act was invoked are detailed in the accused’s section 112 statement. In respect of the two counts of robbery, it is clear from the accused’s statement that the

robberies included the infliction of grievous bodily harm on both victims. The chief postmortem findings of Dr John who conducted the postmortem examination of the deceased in count 1 were that the deceased suffered multiple external injuries, skull fractures, subdual bleeding and that his internal organs were pale. His cause of death was head injury. This is in line with the accused's section 112 statement in which he says that he hit the deceased hard on his head twice with an empty bottle and the deceased fell to the ground and fainted. As he was bleeding profusely, the accused dragged him to a grassy area far from his car.

[7] In respect of the robbery of the deceased in count 5, the chief postmortem findings of Dr Ntloko who conducted the postmortem examination were that the deceased had a ligature mark around the neck, a hematoma on her forehead and a 5cm occiput laceration. The cause of death was strangulation asphyxia. This is aligned with the accused's plea of guilty statement in which he says that he wrapped his arm around her neck area and strangled her with it until they both fell on the floor and her head hit the floor. They continued struggling on the floor but he overpowered her and continued strangling her until she lost power and let loose of her phone.

[8] The basis set out in the indictment for the invocation of section 51 of the Minimum Sentences Act in respect of the murder charges was that in respect of count 1, the murder of Mr Mtotonga, the death of the deceased was caused by the accused after he committed robbery with aggravating circumstances as defined in section 1(1)(b) of the CPA. The facts set out by the accused in his statement are that after he had assaulted the deceased with an empty bottle and dragged him away from his car after he had fallen down and fainted, he left him there, went back to the deceased's car which he drove towards Stutterheim where he intended to sell it. In respect of the deceased in count 5, the basis for the invocation of section 51 was that the death of

the deceased was caused by the accused before, during and after committing robbery. The facts that the accused sets out in his statement are that after he entered Sinazo's home where the deceased was, he found the door wide open, got inside the house and found the deceased lying on a couch. He carefully approached her, took off her wristwatch. He also tried to take the deceased's iPhone which was in her hand which she was holding tightly. The deceased woke up, stood up and they wrestled over the phone. He then wrapped her hands around her neck area and strangled her. That strangling led to her ultimate death. All these facts as set out by the accused in his statement bring the circumstances of the commission of the murders within the purview of section 51 of the Minimum Sentence Act.

[9] In mitigation of sentence the accused did not testify. Instead, his legal representative made submissions on his behalf. He started by indicating to the court that he has been instructed by the accused that he tenders his profuse apologies to both families for the pain they went through as a result of his actions. He understands that life is the most precious gift that anyone is given by God which is also guaranteed and protected in section 11 of the Constitution³. Furthermore, not only were the lives of the two deceased persons brutally taken away, their families and children were deprived of their loved ones to whom they looked up to. It was submitted that these crimes are unfortunately very prevalent. The deceased in count 5 was a vulnerable person, being a woman. The victim impact statements were furnished to the accused and were explained to him. Therefore, he is aware of how they feel about what he did to them as expressed by them in their own words in their victim impact statements.

³ Constitution of the Republic of South Africa, 1996.

[10] With regard to the accused's personal circumstances, it was submitted that he was born on 27 July 2003. Therefore, he is now 22 years of age. At the time when he committed the offences in counts 1 and 2 on 29 March 2023, he was about 20 years old and at the time he committed the offences in counts 4 and 5 on 1 January 2025, he was just over 21 years old. He was raised by a single mother who also unfortunately passed away when he was just 9 years old. He does not know his father, he has never seen him, and he played no role in his upbringing. The absence of his father created a void in his life, so went the submissions.

[11] His mother was unemployed and did odd jobs trying to do her best to provide for her three children. The accused had two siblings, and he is the middle child. His older sibling is his brother who is 26 years old now. His brother went to school up to grade 11 and due to financial constraints, he could not go further with his education. His younger sibling was his sister who passed away. After his mother passed away his maternal grandparents who are still alive looked after him and his brother. They are unemployed and depend on old age grant provided by the government. With old age, his grandparents suffer from diseases like hypertension and diabetes.

[12] His uncle played a father figure role to them. He was also unemployed, but he ran a tavern. At some point his uncle asked him and his brother to assist him in the tavern. He started working at his uncle's tavern at a young age of 19 years. This is how he was, at a younger age, introduced to alcohol. While the tavern did not make much money, it enabled them to put food on the table. In 2023 his uncle was shot and killed by criminals. After his sister and mother, his uncle was the third close relative to pass away. The accused schooling went up to grade 9 and he had to drop out due to financial constraints. Subsequent to his uncle's passing, he had to do odd jobs working in local spaza shops where he earned R250.00 a week. He used some

of this money to contribute to the upbringing of his child. The mother of this child is still doing grade 12 and is orphaned. It was submitted that the accused said that if he were to meet his grandparents he would apologise to them and in this regard he has asked his legal representative to go to his home and apologise on his behalf to them.

[13] It was submitted that he is a first offender. He has spent about eight months in pre-sentence incarceration. When he met the police, he made a clean breast to them leading to the body of the deceased in count 1 being found. Where the incident occurred, there was no one else and there were no witnesses. The vehicle of the deceased was found with no damage, still in the same condition in which it was when he robbed it. In respect of the second incident, he went to his uncle after about six days and asked him to take him to the police station after he told his uncle what he had done. His uncle decided to phone the police and that is how he got arrested. During the first five days after the incident, he was afraid to confess for his actions until he summoned enough courage on the 6th day to confess to his uncle which he did. It was submitted that in both incidents, he owned up and took responsibility for his actions by admitting that he committed the offences on his very first encounters with the police. This was long before he even met any lawyer. Even when he had a consultation with his legal representative, he immediately made it clear that he wanted to plead guilty to these offences. When he appeared in this Court, he pleaded guilty and did not try to lie about his actions.

[14] It was submitted that the accused was genuinely remorseful as evidenced by his actions on his very first interactions with the police up to the point where he pleaded guilty in this Court. It was submitted that alcohol consumption affected his judgment and therefore his moral blameworthiness. In both incidents, as detailed in his plea of guilty statement, he had overindulged on alcohol. In the final analysis it was

submitted that the purposes of punishment should be considered without overemphasizing one over the other and that mercy should also be factored in, in the court's exercise of its sentencing discretion in the consideration of an appropriate sentence. It was submitted that the facts of this case point to the existence of substantial and compelling circumstances justifying the imposition of sentences that are less than the ones prescribed in the Minimum Sentences Act.

[15] Counsel for the State made submissions in aggravation of sentence. He started by handing up to the court two victim impact statements which were admitted into the record with the concurrence of the legal representative of the accused. Without going into a lot of detail about their contents, it is clear from those statements that the two deceased persons were not only good members of the society, they also both contributed to the financial well-being of their families. Their deaths have left their families and children basically destitute as they were pillars of their own families. The pain and a deep sense of loss is made more pronounced by the fact that the 13 year old son of the deceased in count 5 keeps on asking about his mother and cries for her when she is never going to come back. His performance at school has dropped and he prefers to be alone due to the trauma of having lost a mother at his very young age. He now has to navigate life without his mother due to the senseless killing of his mother. The death of the deceased has caused additional financial burden to the deceased's mother who now has to provide for all the financial needs of her deceased daughter's child and grandson once again due to the senseless actions of the accused. The lives of the members of the deceased's families have been changed for the worse with an unbearable and never-ending pain of losing loved ones.

[16] The State submitted that this Court should remember that the deceased in count 1 was killed after giving a lift to the accused. The accused lured the deceased out of his route under the pretext that he needed assistance in transporting his goods. The accused again lied to the deceased by indicating that he needed to pass water. The deceased, believing the accused, stopped his vehicle on the side of the road only to be hit so hard by the accused that he fell to the ground, fainted while bleeding profusely. He was dragged away from his car and left there to die without any possibility of medical assistance once the accused took his vehicle away which was destined to be sold in Stutterheim. The death of the deceased in count 5 also started with aggravated robbery of her wristwatch and her iPhone. She was brutally killed for her phone while fighting to save her dear life from the accused. Both deceased died brutally and senselessly. All the facts in this case point to very serious offences which were committed with extreme brutality. This was done for no other reason than to satisfy the accused selfish desires to rob the deceased of their possessions and in the process, he killed them senselessly. There is no debate about the seriousness of the offences and the society's abhorrence and its clarion call for harsher punishment for violent and senseless crimes which tend to be committed mercilessly.

[17] In *Tsotetsi*⁴ the court explained in some detail the principles of sentencing that must be uppermost in the mind of a sentencing court in its exercise of its sentencing discretion. The court said:

- “(a) The sentence must be appropriate, based on the circumstances of the case. It must not be too light or too severe.
- (b) There must be an appropriate nexus between the sentence, and the severity of the crimes, full consideration must be given to all mitigating and aggravating factors surrounding the offender. The sentence should thus

⁴ S v Tsotetsi 2019 (2) SACR 594 (WCC) at page 604.

reflect the blameworthiness of the offender and be proportional. These are the first two elements of the triad enumerated in *S v Zinn*.

- (c) Regard must be had to the interests of society (the third element of the *Zinn* triad). This involves a consideration of the protection society so desperately needs. The interests of society are reflected in deterrence, prevention, rehabilitation and retribution.
- (d) Deterrence, the important purpose of punishment has two components, being both the deterrence of the accused from re-offending and deterrence of would be offenders.
- (e) Rehabilitation is a purpose of punishment only if there is the potential to achieve it.
- (f) Retribution being a society's expression of outrage at the crime, remains of importance. If the crime is viewed by society as an abhorrence, then the sentence should reflect that. Retribution is also expressed as the notion that the punishment must fit the crime.
- (g) Finally, mercy is a factor. A humane and balanced approach must be followed"

[18] There is an aspect of the accused having consumed alcohol when he committed these offences which requires special mention. On the facts of this case, it is clear that the accused did consume some alcohol before he committed both incidents. The question which I will attempt to answer in this judgment is whether when each time an accused person gets intoxicated and commits offences, he is automatically entitled to a lenient sentence. I have already detailed the facts of how these offences were committed elsewhere in this judgment. I do not intend to repeat those facts. There is another important aspect of these crimes which the State highlighted. That is the fact that at some point after he had been arrested by the police, he was granted bail after having spent some time in custody. However, the little time he spent in custody did nothing to open his eyes to his inexcusable inability to control his behaviour after alcohol consumption. As a first offender that he was then, he was

not shocked enough so that his behaviour is changed to be more aligned with a sense of remorse for killing the deceased in count 1. Instead, in just over a year later, he committed other similarly brutal offences and robbed and killed the deceased in count 5, a defenceless woman whom he found sleeping.

[19] This is not to deny the effect of alcohol consumption about which in *Ndlovu*⁵ the court said:

“Intoxication is one of humanity’s age-old frailties, which may, depending on the circumstances, reduce the moral blameworthiness of a crime, and may even evoke a touch of compassion through the perceptive understanding that man, seeking solace or pleasure in liquor, may easily over-indulge and thereby do the things which sober he would not do.”

[20] The full court of this Division had occasion to express itself on the issue of criminal conduct under circumstances of intoxication. In *Mpongoshe*⁶ Lowe J said:

“As to intoxication as a relevant sentencing factor the learned Judge effectively dismissed this completely on the basis that this was an opportunistic contrived defence of criminal incapacity. Crucially having correctly noted the above, the learned Judge continued as follows:

‘Whilst it is so that there was evidence that you consumed alcohol and that it affected your faculties to a limited extent, in my view it did not make any appreciable difference to your moral reprehensibility.’

In my view it is in this conclusion that the learned Judge underemphasized the role which alcohol played in this event. It must be accepted on the overall evidence that the appellant was moderately drunk to the extent that he was staggering at the time having consumed quite a considerable quantity of Paarl Perle alcohol drink. The question is the extent to which this reduced his moral blameworthiness.”

⁵ S v Ndlovu 1965(4) SA 692 (A) at 695 C-D.

⁶ Mpongoshe v S (CA24/2019) [2020] ZAECHC 8 (11 February 2020) para 26 to 27.

[21] There is therefore no doubt that alcohol consumption is a relevant consideration. However, having said that, when it comes to the second incident which culminated in the robbery and the killing of the deceased in count 5, there are other weighty considerations. It matters that the accused was out on bail and in committing these offences, he violated bail conditions by committing further robbery and murder offences and this he did a little more than a year after the first incident in which he robbed and killed the deceased in count 1. Counsel for the State submitted that at the time he committed the offences in counts 4 and 5, the accused had been served with the indictment for the offences in counts 1 and 2. He had been advised that he would be appearing in this Court, with his matter having been transferred from the magistrate's court to this Court. He, nevertheless, was still not guarded on his behaviour and went on to murder a defenceless woman in the home of Sinazo, the very same Sinazo he had been drinking with. Therefore, the aggravated robbery and the murder of the deceased in count 5 by the accused in circumstances in which he knew that he was facing murder charges and would be appearing in court in a few months' time completely puts counts 4 and 5 in a different plane altogether in my view.

[22] Even worse, his conduct brought the administration of justice into disrepute. This is so because it is difficult to imagine how the deceased in count 5 could have been killed had the accused not been granted bail for the offences in counts 1 and 2. It must therefore follow that had he not been granted bail and given a chance to be with his family, he would not have robbed and killed the deceased in count 5. Surely that must have an effect on how he ought to be punished for the offences he committed after he had been granted bail and in this regard the society experts no less from this Court. The distinction between the two incidents in the consideration

of appropriate sentences is exactly what the court said in *Rabie*⁷ about 50 years ago in which Corbett JA said:

“A judicial officer should not approach punishment in a spirit of anger because being human, that will make it difficult for him to achieve that delicate balance between the crime, the criminal and the interests of society which his task and the objects of punishment demand of him. Nor should he strive after severity, nor, on the other hand, surrender to misplaced pity. While not flinching from firmness where firmness is called for, he should approach his task with a humane and compassionate understanding of human frailties and the pressures of society which contribute to criminality. It is in the context of this attitude of mind that I see mercy as an element in the determination of the appropriate punishment in the light of all the circumstances of the particular case.”

[23] There is also the complex issue of remorse to which I alluded earlier and which was raised pertinently by the accused’s legal representative. To understand what remorse is in the context of the criminal justice system and the complexities of this matter, the well-known case of *Matyityi*⁸ comes to mind. The court said:

“Many accused person persons might very well regret their conduct but that does not without more translate to genuine remorse. Remorse is a gnawing pain of conscience for the plight of another. Thus, genuine contrition can only come from an appreciation of and acknowledgement of the extent of one’s error. Whether the offender is sincerely remorseful and not simply feeling sorry for himself or herself at having been caught is a factual question. It is to the surrounding actions of the accused rather than what he says in court that one should rather look. In order for the remorse to be a valid consideration, the penitence must be sincere, and the accused must take the court into his or her confidence. Until and unless that happens the genuineness of the contrition alleged to exist cannot be determined.”

[24] In this case the accused elected not to take the court into his confidence by testifying. This has left many unanswered questions which the families of the deceased would have hoped he would provide answers to so that they may get

⁷ S v Rabie 1975 (4) SA 855 (A) at 861-2.

⁸ S v Matyityi 2011(1) SACR 40 (SCA) para 13.

closure. For instance, in his section 112 statement the events leading to the death of the deceased in count 5 is, as narrated by him, worth repeating. They are that at some point the deceased suddenly woke up and stood up and he and the deceased wrestled over her phone. He strangled her with his arm on her neck. They both fell down in the struggle for the iPhone of the deceased and the struggle for the phone continued on the floor. The question is, why did the accused not let go of her phone and run away. Instead, he overpowered the defenceless woman who was fighting a courageous struggle against an evidently determined criminal, the accused. He continued strangling her until she lost power and let go of her phone. Clearly, when she let go of the phone, she was obviously dead with life having been squeezed out of her. When he left, the deceased had no sign of life. But why did he have to kill her for a phone, even an iPhone.

[25] After scaling the wall of Sinazo's home to escape from the crime scene but before he jumped over to the other side of the wall, the accused was seen by Sinazo who asked him what was going on to which he said he did not know and ran away. Despite having been seen by Sinazo leaving her home and running away where there was a dead body of the deceased, it took the accused the whole six days for him to confess to his uncle and somewhat take responsibility for his actions. That speaks to a cunningly calculating character of the deceased who clearly would have avoided accountability for his actions had he not been seen by Sinazo leaving her home where he had just killed the deceased. Surely, when Sinazo arrived at her home, she found the lifeless body of the deceased on the ground. The accused has not taken the witness stand to explain what he was doing for almost a full week. He has not explained why later that day or on any of the five days he did not tell the truth

about what he did. There is no explanation from him what is it that on the sixth day, drove him to go to his uncle and tell him that he had killed the deceased in count 5.

[26] With all of this factual matrix and regard being had to all the personal circumstances of the accused, I find that the first incident is fundamentally different from the second one. It was the first incident that was his very first interaction with the criminal justice system. When he was arrested on that occasion, he immediately admitted to the offences and took the police to where the body of the deceased was. He then took advantage of the delays in the criminal justice system which ultimately led to him being granted bail at some point. He then committed the offences in the second incident. This had the effect of bringing the criminal justice system into disrepute for granting bail to a dangerous criminal who, at that stage, was considered innocent pending his trial which was why he was granted bail. Only for him to commit another senseless robbery and murder.

[27] He says that he asked his uncle to approach the family of the deceased and ask for pardon on his behalf after he was arrested. He is clearly trying to bargain with the criminal justice system again in my view. If he really wanted to take the family of the deceased into his confidence, why did he not take advantage of the opportunity presented by his trial and take the court into his confidence by giving a detailed account of what actually happened. He could then in the process, have apologised in his own words to the families directly or to the court if the family was not in attendance. Therefore, his alcohol consumption in respect of the first incident and at that stage, being his very first brush with the law are significant factors at a relatively young age of twenty years when he committed those offences. The fact that he then immediately told the police that he killed the deceased and took them to where his body was is very relevant. All these are, in my view, the substantial and

compelling circumstances when considered together, that would make the minimum sentences in respect of the first incident disproportionate considering that life imprisonment is in fact the ultimate form of punishment. However, his overall conduct after that incident, even as he had consumed alcohol when he committed the offences in the second incident, point to a very dark and dangerous criminal mind. He seems to be cunningly bargaining with the criminal justice system in addition to having brought it into significant disrepute by committing further serious offences while out on bail which makes his remorse for the second incident contrived.

[28] I enquired from counsel for the State whether the families of the deceased were taken through any post trauma counselling subsequent to the brutal killing of their loved ones. Regrettably, the answer was in the negative. I considered it appropriate that even at this late stage, such trauma counselling should be provided to them by the State until there are clear indications that those affected are better able to cope with their loss and carry on with their lives without their loved ones. Mr Gula, counsel for the State took upon himself to ensure that this happens. That is highly appreciated as it is very important that victims of crimes receive and are equipped with coping mechanisms and are assisted accordingly. In addition to that, I have decided to make an appropriate order directing the head of office of the Dimbaza Department of Social Development offices, Mrs Mamela Baza and the head of office of the King Williams Town Department of Social Development offices, Ms Khusela Xabe, to ensure that counselling sessions are provided to the families of the deceased, especially minor children.

[29] In the result, the accused is sentenced as follows:

1. In respect of count 2 you are sentenced to 10 years imprisonment.

2. In respect of count 1 you are sentenced to 30 years imprisonment.
3. In respect of count 4 you are sentenced to 15 years imprisonment.
4. In respect of count 5 you are sentenced to life imprisonment.
6. In terms of section 103 of the Firearms Control Act 60 of 2000 you are declared unfit to process a firearm.
7. The head of office or person in charge in the Department of Social Development in Dimbaza, Mrs Mamela Baza, is ordered to ensure that the affected and close member of the family of the deceased in count 1, especially minor children, receive the necessary and appropriate counselling.
8. The head of office or person in charge in the Department of Social Development, King Williams Town Ms Khusela Xabe, is directed to ensure that the affected and close members of the family of the deceased in count 5, especially the minor child, receive the necessary and appropriate counselling.

M.S. JOLWANA

JUDGE OF THE HIGH COURT

Appearance

Counsel for the State : M.G. Gula

Instructed by : NPA

BHISHO

Attorney for the accused : Z. Nomlala

Instructed by : Legal Aid South Africa

BHISHO

Date heard : 03 September 2025

Date delivered : 04 September 2025