



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

JUDGMENT

**Not Reportable
Case No: A198/24**

In the matter between:

GEORGE TITUS

Appellant

and

THE STATE

Respondent

Coram: DA SILVA SALIE, J et NJOKWENI AJ

Heard on: 28 November 2025

Delivered on: 28 November 2025

Summary:

Criminal law – Murder – Appeal against conviction and sentence – recognition evidence – single witness – informal admissions – contradictions – evaluation of evidence. Eyewitness account corroborated by medical and forensic evidence –

together with informal admissions to witnesses – alibi improbable and rejected. No misdirection by the trial court. Conviction upheld

Sentence – Criminal law Amendment Act 105 of 1997 – Minimum sentence – murder of 17-year-old minor – section 51(1) – life imprisonment – no substantial and compelling circumstances found to justify deviation. Prescribed sentence not disproportionate. Sentence confirmed.

ORDER

1. The appeal against conviction and sentence is dismissed.
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JUDGMENT

DA SILVA SALIE J:

Introduction:

[1] This matter is an appeal against conviction and sentence from the Wynberg Regional Court. The appellant, Mr George Titus, was convicted on one count of murder, read with the provisions of s 51(1) of the Criminal Law Amendment Act 105 of 1997 ("the Act"), arising from the killing of a 17-year-old girl. The Court acquitted the accused on the second count of defeating or obstructing the course of justice. He pleaded not guilty to both charges and had legal representation throughout the trial.

[2] In terms of s 51(1), the Court a quo imposed the prescribed sentence of life imprisonment for the murder of a minor child and having found that there are no substantial and compelling circumstances which warrant the departure from the

prescribed sentence of life imprisonment. The Court also declared that the appellant is unfit to possess a firearm in terms of s 103(1) of the Firearms Control Act 60 of 2000.

[3] The appellant is exercising his right of automatic appeal. Both counsel filed written heads of argument, supplemented by oral submissions on appeal. The appellant contends that the magistrate misdirected herself in her evaluation of the evidence, that the State did not prove the guilt of the appellant beyond a reasonable doubt, and that, in any event, life imprisonment is disproportionate and induces a sense of shock. The State opposes the appeal and supports the conviction and sentence.

Background and common cause facts

[4] The material facts and from the formal admissions made in terms of s 220 of the Act, the following are common cause:

- 4.1 The body of the deceased, Ms J[...] L[...] P[...], a 17-year-old female, was discovered on 11 September 2022 in the field at Crystal High School, Hanover Park.
- 4.2 The cause of death, as reflected in the post-mortem report, was blunt force trauma to the head and face, associated with skull as well as skull-base fractures and laceration of the brain.
- 4.3 The deceased sustained no further injuries after death determined to be on 10 September 2022. The Court admitted into evidence a concrete rock stained with blood and the DNA analysis linking that blood to the deceased as well as photographs of the scene.
- 4.4 The appellant, a member of the Americans gang, was well known to all the lay witnesses who testified for the State, as well as to the deceased.

The State's case

Ms. Jamie-Lee Solomons

[5] The first witness was Ms Jamie-Lee Solomons, a friend of the deceased. On the evening of 9 September 2022, at about 20h00, she saw the deceased walking in Athol Walk, Hanover Park. She greeted the deceased as they passed. At that stage, she observed the appellant walking approximately three metres behind the deceased. That was the last occasion during which Ms Solomons saw the deceased alive.

[6] Ms Solomons had known the appellant from the area. The defence did not suggest that Ms Solomons mistook the appellant's identity, and she recognised him as someone she was familiar with. Her evidence places the appellant in the immediate company of the deceased on the night preceding the murder in the vicinity where her body was discovered two days later, Sunday 11 September 2025.

Mr Joseph Williams

[7] The second witness was Mr Joseph Williams. He testified that shortly after midnight on 10 September 2022, he was sitting on the stairs outside his home when the appellant arrived. They smoked together. During this interaction, the appellant told him (in Afrikaans) that he had thrown a concrete block onto that child's head, and that "*they hurt her badly*". The appellant also shared with him that he and another had remained at the body for some 30 minutes and when he noticed the deceased's fingers still moving, he instructed the person with him to throw the concrete block onto the deceased again. He did not initially reveal who the female was, but later during the conversation he mentioned that it was Jehaan, the daughter of a close friend of Mr Williams. Fearful to report it to the police, he went home.

[8] The next morning he fetched a neighbourhood-watch member, Ms Desire Pietersen, and took her to the area indicated by the appellant the previous night. They were unable to locate the body, the area being a bushy field. Under cross-examination, the State put the appellant's version that he never spoke to Mr Williams about the deceased; however, he denied the same.

Mr Faizel Arendse

[9] Mr. Faizel Arendse testified that, in the early hours of 11 September 2022, he encountered the appellant and asked him where the deceased was. The appellant told him to "*look at the field by Crystal*", which was the area in the vicinity of the Crystal High School. The conversation took place before the discovery of the deceased's body. Mr Arendse knew the appellant, and there was no indication of prior animosity.

Ms Latifa Atkins

[10] Ms Latifa Atkins is a member of the community and is familiar with both the appellant and the deceased. She testified that on 10 September 2022, after 17h00, she asked the appellant about the deceased's whereabouts, as the deceased was last seen with him. The appellant told her that the deceased was lying on Crystal's field, that he had killed her there, and elaborated in detail how he had thrown a concrete slab on her face. He mentioned that another person, known as "Vlooi" was with him during the attack on the deceased. Ms Atkins testified that the appellant was by his sober senses when he made these utterances. The appellant denied having seen her on that day or having made any such admissions.

Mr Imtiaaz du Plessis

[11] The only direct eyewitness to the killing was Mr Imtiaaz du Plessis. He testified that on the afternoon of 10 September 2022, at around 13h30 he was riding his horse at Crystal High School when he saw the appellant and the deceased together. He approached them, and they smoked mandrax together. According to him, the appellant then struck the deceased on the head with a concrete brick. She fell to the ground. He then saw the appellant pick up a slab and throw it onto the deceased's face. Frightened and in shock, he fled the scene. He did not report the matter to the police because he knew the appellant to be a gang member. The witness was also a gang member in the area and feared for his safety. He denied being told by the appellant to throw a brick on the deceased's face.

Dr Laura Dawn Taylor

[12] Dr Laura Dawn Taylor, a forensic pathologist, testified regarding the post-mortem notes and report compiled by a colleague, Dr Inglis, who had emigrated to Australia. She confirmed that the cause of death of the deceased was blunt force head trauma and that the deceased was still alive when she sustained fatal injuries. She also explained the possible significance of a belt found around the neck of the deceased. It was a definitive finding that there was pressure applied to her neck with the belt. The haemorrhage around the brain indicates that she was alive both at the time of the pressure to the neck and at the time of the blunt force trauma to her head. She also testified in respect of the extent to which decomposition affected findings. By the time that the body was discovered, the deceased was covered in maggot predation, there was marbling and discolouration of the skin indicative that the deceased had died over a period of between 36 and 72 hours. The shape of the fractures indicates a large blunt object like a large brick or stone given the shape of the fractures and the crushing effect on the face and skull of the deceased. The toxicology report indicated the presence of traces of methamphetamine and mandrax.

Informal admissions

[13] From the testimonies aforesaid, the State relied on the various informal admissions made by the appellant to Mr Williams, Mr Arendse and Ms Atkins. All these statements were made before the discovery of the deceased's body. These admissions contained details about the manner and location of the killing. It is significant, however, that these details were not yet publicly known.

The defence case

Mr. George Titus – the accused

[14] The appellant testified in his own defence and called no witnesses. His version, in essence, was an alibi covering the relevant period. He denied any involvement in the murder and denied that he was with the deceased on the Friday evening. He last saw her about two weeks prior to her death. He also testified that rival gang members and/or state witnesses falsely implicated him because of gang hostilities in the area.

[15] He testified that on the date of the incident, he was in Hanover Park and at the homes of various friends, selling drugs, smoking, and later sleeping over. He only learnt of the deceased's death after his arrest some days later. He admitted that he is a member of the Americans gang, that he knows the state witnesses, and that there are rival gang members in the area who dislike him. He suggested that other gang members told the state witness, Mr Williams, to implicate him. He denied:

- 15.1 having any romantic relationship with the deceased.
- 15.2 making any admissions to Mr Williams, Ms Atkins or Mr Arendse;
- 15.3 being present on the day of the killing of the deceased; and
- 15.4 seeing Mr Du Plessis at all on that day. His explanation for the detailed knowledge of the crime evident in the state witnesses' descriptions was

that they must have heard about the incident in the community and then blamed him because of his gang affiliation.

[16] Under cross-examination, the appellant contradicted himself on several material aspects. Most notably, his own testimony revealed that he knew of the deceased's disappearance and of talk about her death before his arrest, in conflict with his earlier claim that he first learnt of her death when the police informed him. In addition, specific instructions given to his attorney - particularly concerning when he first knew of her death - were inconsistent with his oral evidence. The magistrate viewed these contradictions as undermining his credibility and as demonstrating that he had tailored his version as the trial progressed.

Grounds of appeal on conviction:

[17] The grounds of appeal are directed at the Court a quo's factual findings. The following is the summary of the principal contentions:

- 17.1 that the magistrate over-emphasised the evidence of Mr du Plessis, a single witness and gang member who failed to report the crime.
- 17.2 that the magistrate failed to properly evaluate the contradictions in the evidence of Mr Williams, Ms Solomons, Ms Atkins and Mr Arendse, and between their evidence and that of the appellant.
- 17.3 that the magistrate insufficiently accounted for the drug use of certain witnesses and their possible unreliability.
- 17.4 that the magistrate gave inadequate weight to the appellant's alibi and to the absence of any direct evidence explaining his motive; and
- 17.5 that the cumulative effect of these shortcomings is that the State did not prove the appellant's guilt beyond a reasonable doubt.

The approach on appeal:

[18] The approach of a Court of appeal to factual findings is trite. In ***R v Dhlumayo and Another 1948 (2) SA 677 (A)***, the Court emphasised that an appellate court will not lightly interfere with the factual findings of a trial court, which had the advantage of seeing and hearing the witnesses. Only where there has been a material misdirection is interference warranted, or where the evaluation of the evidence is so clearly wrong that the Court cannot reasonably support it.

[19] In ***S v Hadebe and Others 1997 (2) SACR 641 (SCA)***, the Court emphasised consideration of evidence in toto, not piecemeal. The enquiry is whether the trial court's conclusion was one which a reasonable court could reach on the evidence.

Evaluation of the evidence

[20] Identity was never in dispute. The appellant is known to all the state witnesses and to the deceased. The defence did not suggest any mistake on the part of the witnesses as to whom they saw or spoke to. The case, therefore, does not involve stranger identification but what the Supreme Court of Appeal in ***Abdullah v S 2022 ZASCA 33 (25 March 2022)*** described as recognition evidence, which is inherently more reliable when the witness knows the person well.

[21] The State's case rested on aspects: the direct eyewitness account of Mr du Plessis, the multiple independent admissions made by the appellant to different people before the discovery of the deceased body, and the objective medical and forensic evidence.

[22] Mr du Plessis's evidence as to the sequence of events, the use of a concrete brick and slab, the location of the attack and the presence of mandrax is strongly corroborated by the post-mortem findings, the photographs and the toxicology report.

Stated differently, the evidence as to the manner of the assault was entirely consistent with the medical evidence and with the physical exhibits discovered at the scene. The toxicology report supported the evidence that the appellant and the deceased had smoked mandrax together, which showed mandrax in the deceased's system. His fear-based failure to report the incident is not unusual in gang-affected communities. The magistrate recognised that his membership of a gang and his drug use required caution, but these features do not automatically disqualify his evidence. [23] The criticisms of his evidence advanced on appeal amount to an invitation to this Court to reweigh credibility afresh. That is not the function of an appeal court in the absence of misdirection. This Court can find none. The magistrate did not overlook his delay in reporting or his gang affiliation; she expressly considered both yet found his version convincing when viewed against the objective evidence. I am satisfied that the cautionary rule to the evidence of Mr. du Plessis was correctly applied and that his testimony is reliable and creditworthy in all material respects.

[24] As regards the informal admissions made by the appellant to state witnesses, the appellant denies having had any such conversations. However, three separate witnesses, from different contexts, testified that before the discovery of the deceased's body, he disclosed to them detailed information about the deceased's killing. The content of those conversations, the location of the body, the use of a concrete block, and the description that "*they hurt her badly*" correspond closely with the objective facts which were not yet publicly known. This Court is satisfied that the testimonies of these three witnesses were truthful and were not a conspiracy to implicate the appellant. They withstood cross-examination and remained constant on the material aspects of their testimonies. The mere fact that some of the witnesses were also involved in gang activity does not, without more, render their evidence unreliable.

[25] As to contradictions in the state evidence, in ***State v Mafaladiso 2003 (1) SACR 583 (SCA)***, it was held that not every inconsistency is material, and that the trial court must consider the nature of the discrepancy, its bearing on the issues, and possible explanations. The differences relied on by the appellant - for example, whether there was a romantic relationship between the appellant and the deceased, or minor variations in describing the appellant's clothing - are peripheral and not

material. They do not strike at the core of the State's case: that the appellant was with the deceased shortly before her death, that he admitted to several witnesses that he had killed her and described where her body lay, and that an eyewitness saw him strike her with a brick. The magistrate considered the contradictions and gave cogent reasons for treating them as non-material.

[26] The appellant's own evidence, by contrast, is replete with improbabilities and contradictions. His version that he only learnt of the deceased's death upon arrest cannot stand alongside his concession, under cross-examination, that he was aware of her disappearance and talk in the community beforehand. His explanation that he spent the relevant period moving between various friends' houses, selling drugs and gambling, is unsupported by any other witness.

[27] The magistrate's rejection of the appellant's alibi does not amount to an impermissible reversal of the onus. She had already found the State's evidence compelling. In that context, the magistrate's testing of the appellant's version against the inherent probabilities is legally permissible.

[28] Considering the whole matrix of the evidence, this Court is unable to fault the magistrate's conclusion that the State discharged its onus. The direct evidence of Mr du Plessis, supported by the objective medical and forensic evidence and by the appellant's repeated admissions, paints a consistent picture of the appellant as the perpetrator of a brutal killing beyond reasonable doubt. The appellant's bare denial is not reasonably possibly true in the context of the overwhelming evidence.

[29] There is accordingly no basis for this Court to interfere with the conviction. The appeal against the conviction cannot succeed.

Sentence

[30] The Court a quo sentenced the appellant under s 51(1), which prescribes life imprisonment for murder where the victim was a person under the age of 18 years,

unless the sentencing court finds that substantial and compelling circumstances justify the imposition of a lesser sentence.

[31] On appeal, a Court is justified to interfere with a sentence only where there has been a material misdirection or where the sentence is disturbingly inappropriate. In the context of the minimum-sentence regime, ***S v Malgas 2001 (1) SACR 469 (SCA)*** emphasises that the prescribed sentence is the starting point and should not be departed from lightly and for flimsy reasons. The Court must assess whether the prescribed sentence would be unjust in the sense of being disproportionate to the crime, the criminal and the interests of society.

[32] The appellant was in his mid-twenties at the time of sentence. The probation officer's report records that he had left home at a young age, lived on the streets, and became entrenched in gang activity. He has several previous convictions, including drug-related offences and possession of an illegal firearm, although this is his first conviction for murder. At the time of his arrest he was unemployed and involved in the drug trade. There was some dispute about whether he had three minor children; the magistrate ultimately accepted that whatever minor children there were, were not mentioned in the report and that the assertion of three dependants was unreliable.

[33] Set against these factors are powerful aggravating features. The deceased was a vulnerable 17-year-old schoolgirl who, according to the victim impact report, was cared for as a daughter by her grandmother, Ms T[...] L[...], who had hopes for her completing her schooling and building a better future. She was viciously bludgeoned with a heavy concrete object, sustaining multiple skull fractures and brain lacerations. The attack took place in a public field near a school, in a community already scarred by gang violence. The deceased's body was left in the field and was discovered later in a decomposed state. The victim impact report depicts the profound emotional, psychological and financial consequences of the deceased's death on Ms L[...] and the family.

[34] The appellant's criminal history, including possession of drugs and an illegal firearm and ongoing gang affiliation (including while in custody), reflects a sustained

pattern of disregard for the law and for the safety of others. The probation report records that he spends most of his time in gang-related activities and that he becomes angry and violent when contradicted. These factors underscore the need for deterrence and protection of the community.

[35] I am satisfied that the sentencing court was mindful of all the objectives of sentencing and considered the Zinn-triad: the crime, the offender, and the interests of society. I agree with the finding that the personal circumstances of the appellant were nothing out of the ordinary particularly seen within the context of the exceptional gravity of the offence.

[36] Life imprisonment is unquestionably a severe sentence. The question, however, is not whether the court a quo was justified in imposing a lesser sentence, but whether the one imposed is so disproportionate as to induce a sense of shock. The appellant's personal circumstances, even taken cumulatively, do not diminish the moral blameworthiness and the gratuitous violence of this heinous offence. The combination of factors: a vulnerable young victim, the brutality of the assault, the absence of remorse, the appellant's entrenched gang involvement and prior convictions, and the broader societal context, justifies the imposition of the prescribed life sentence. In the result, the sentence of life imprisonment cannot be seen to be unjust.

[37] I would add that, given the egregious and horrific nature of this murder, deviation from the prescribed life sentence would risk undermining the very objectives of the minimum-sentence regime and in particular the prescribed sentence of life imprisonment.

[38] In conclusion, I am not persuaded that the sentence imposed on the appellant warrants interference from this Court on appeal. I am satisfied that the sentence of life imprisonment for the brutal murder of a 17-year-old girl is not disturbingly inappropriate. For these reasons, I would dismiss the appeal against conviction and sentence.

Order

[39] Wherefore, I make the following order:

1. "The appeal against conviction and sentence is dismissed."

G. DA SILVA SALIE

JUDGE OF THE HIGH COURT

WESTERN CAPE

I AGREE

P. NJOKWENI

ACTING JUDGE OF THE HIGH COURT

Appearances

For Appellant: Adv. N. Kunju
Instructed by: Legal Aid South Africa

For Respondents: Adv. M.J. September
Instructed by: Director of Public Prosecutions