



**IN THE HIGH COURT OF SOUTH AFRICA  
(EASTERN CAPE DIVISION, MAKHANDA)**

**CASE NO.: CC45/ 2024**

In the matter between:

**THE STATE**

and

**ARON BHUTANCA ADOONS**

Accused

---

**JUDGMENT**

---

**MHAMBI AJ**

[1] The accused is a 33-year-old South African male person, he appeared before this court on a charge of murder.

[2] It is alleged in the indictment that on or about 04 August 2024, and at or near Adelaide, in the Amathole Magisterial district, the accused did unlawfully and intentionally kill A[...] R[...], “**the deceased**”, a 32-year-old woman, then.

[3] The state, in furtherance of its prosecution of the accused, relied on the provisions of Schedule 2 of the Criminal Law Amendment Act, 105 of 1977, relating to a discretionary minimum sentence of life imprisonment in that the death of the victim resulted from physical abuse, as contemplated in Section 1 of the Domestic Violence Act, 116 of 1998.

[4] It is a common cause fact that the accused and the deceased were in a romantic relationship at the time of the deceased's death.

[5] At the start of the trial, the accused pleaded not guilty to the charge against him and reserved to disclose his plea explanation.

[6] It is axiomatic that the accused, through his legal practitioner, made admissions in terms of Section 220 of the Criminal Procedure Act, 51 of 1977, “**the admissions**”.

[7] The accused's formal admission was marked as exhibit “**A**”, the effect of which was explained to the accused, and he, the accused, confirmed the understanding thereof.

[8] The admissions relate to the following: -

8.1 The deceased is a person named in the indictment, to wit, A[...] R[...].

8.2 The deceased and I were in a relationship, and we were living together.

8.3 The deceased died on 04 August 2024 due to injuries not inconsistent with anoxia owing to extrinsic upper airway obstruction owing to ligature strangulation.

8.4 The body of the deceased sustained no further injuries from the time the wounds occurred until a post-mortem examination was conducted thereupon.

8.5 Dr Stuart Dwyer conducted a post-mortem examination on the body of the deceased on 07 August 2024 and recorded his findings on Exhibit “**B**”.

[9] The correctness of the facts and findings of the post-mortem examination as recorded on the post-mortem report by Dr Stuart Dwyer is admitted.

[10] The correctness of the photographs, Exhibit “**C**” depicting the scene where the body of the deceased was found, was also admitted.

[11] The purpose of formal admissions in a criminal trial is clearly explained in Section 220 of the CPA, thus: -

“An accused or his or her legal adviser or the prosecutor may in criminal proceedings, admit any fact any such admission shall be sufficient proof of that fact”.

[12] The following documents were admitted as exhibits, by agreement between the State and the accused legal practitioners: -

- (a) Exhibit “**D**” - J88 prepared by Dr Nafessa Salie on 18 August 2024, and at Adelaide Hospital. The said J88 is in respect of the accused whilst he was under police detention at Adelaide Police Station.
- (b) Exhibit “**E**”- is the declaration of death in respect of the deceased, prepared by the Department of Health, Eastern Cape Medical Services, on 05 August 2024.
- (c) Exhibit “**F**”- is the statement by Forensic Pathology Officer relating to the conveying of the deceased body to the Government Mortuary, dated 05 August 2024.
- (d) Exhibit “**G**” is an affidavit in terms of Section 212 of the CPA, relating to the pointing of the deceased person to the Forensic Pathology.

(e) Exhibit “**H**” is the identification of the deceased body by Mr Vuyisile Njawa, dated 05 August 2024.

[13] The State witness, Elliot Bruntjies, was the first person to see the lifeless body of the deceased on 04 August 2024. In his evidence, Elliot Bruntjies is the shepherd looking after the goats of Mr Adams. On this day, he was doing his routine shepherd duties when he saw the lifeless body of the deceased sitting around an aloe tree. He confirmed the sight of the deceased as he was shown photos 1 and 2 of exhibit “**C**”. He reported what he allegedly saw to his aunt, who happened to be the wife of Mr Eric Adams, the employer of Mr Bruntjies.

[14] The State called Mr Adams as a witness. Mr Adams is confirmed to be the employer of Mr Bruntjies. Mr Adams is the one who reported the incident of the lifeless body of the deceased, as it was seen by Mr Bruntjies. The scene where the deceased was found was pointed out by Mr Bruntjies after Mr Adams reported the matter to the Adelaide Police Station. The police attended the crime scene. From the evidence of both Mr Bruntjies and Mr Adams, they do not know the deceased; however, they both have knowledge of the accused. Both witnesses confirmed that the accused resides in Kathanga Location, Adelaide, and that he was a farm worker in Adelaide at that time.

[15] The evidence of Mr Adams and that of Mr Bruntjies was corroborated by the evidence of Constable Siyabulela Ngoyi of Adelaide Police Station, to the extent that: -

- (i) On 05 August 2024, he was on duty when Mr Adams reported the lifeless body of the deceased found sitting near the aloe tree.
- (ii) He, together with Mr Bruntjies and Adams, went to the place “**crime scene**”, when Bruntjies pointed out the lifeless body of the deceased sitting next to the aloe tree.
- (iii) He confirmed the deceased body as he was shown photos 1 and 2 of exhibit “**C**” to confirm the position in which the body of the deceased was found seated.
- (iv) He confirmed that the deceased was at that time already dead, she was tied with a bottom pant tracksuit around her neck and tied to the aloe tree.

[16] It is Constable Ngoyi who called other police stakeholders to attend the crime scene. He, too, had no knowledge of the deceased's identity.

[17] The State further led the evidence of Dr Stuart Wayne Dwyer. Dr Dwyer is the forensic pathologist “**Pathologist**”. He conducted the postmortem on the deceased's body, and he prepared a postmortem report.

[18] The findings of the postmortem, exhibit “**B**”, may be summarised as follows: -

- (i) The postmortem was conducted on 07 August 2024, on the body of the deceased.
- (ii) He confirmed that the deceased body was found loosely tied to a small aloe tree.
- (iii) From his examination, the deceased's body had the following injuries:
  - (a) Partial linear ligature abrasion around the neck.
  - (b) Abrasions and contusions of the face and upper limbs.
  - (c) Bleeding in the soft tissue of the neck.

[19] He concluded the cause of the deceased's death was “**not consistent with anoxia owing to extrinsic upper airway obstruction owing to ligature strangulation**”.

[20] It was Dr Dwyer’s evidence that the deceased's death was most probable caused by strangulation, or that the deceased was strangled to death with a lot of pressure and force applied. This was evidenced by the injuries she suffered; most of her facial bones were broken as indicative of heavy pressure applied to strangle her to death.

[21] At the trial hearing, the State indicated its intention to hand over for admission as evidence a confession allegedly made by the accused on 18 August 2024, before Captain Van Heerden of Adelaide Police Station. The accused, “**the defence**”, objected to the admission of the alleged confession on the basis that the accused at the time of the alleged confession feared for his life, he alleged to have been intimidated and forced to do the confession by members of the community. That then resulted in a trial within a trial, the purpose of which was to establish whether the statement, if any, the accused made to Captain Van Heerden constituted a confession within the requirements of Section 217 of the CPA, and whether it should be admitted as evidence in this trial.

[22] During trial within a trial, the State led evidence of police officers: - Captain Van Heerden, Constable Headman Dinga, Warrant Officer Du Preez, and Community members: - Nosiseko Matutu, Mzingaye Ganto, and Ntsikelelo Nceda, “**community members**”

[23] The evidence of the community members was consistent and corroborated each other to the extent that: -

- (i) They are the community members of Kathanga Location, Adelaide, where the accused resides.

- (ii) On 16 August 2024, the accused was summoned by the community to avail himself for questioning by the community relating to the deceased's death. It was a common cause fact that the accused and the deceased were in a romantic relationship and were always together until the deceased went missing and her subsequent death. The community meeting of 16 August 2024 was asked by the deceased father.
- (iii) In this community meeting, there were about eighty 80 community members in attendance, including males and females. The accused was seated at the time when he was asked questions. The community meeting was held at a place called “**the tanks**”, others normally call it “**the parliament**”. It appeared during evidence that this is a venue where community affairs are debated, including the issues relating to crime, and the persons of interest are called in for questioning. This process seems to be facilitated by the members of the community police forum, “**the CPF**”.
- (iv) Due to noise, mostly from the female community members and children, the accused was taken by male persons and questioned him next to the dam, where the lifeless body of the deceased was found. It is their evidence that the accused pointed out to the male

community members the crime scene, and made a report on how he killed the deceased.

- (v) It is their evidence again that the accused was returned to the premises, and he reiterated the report he made to the men earlier. It is at this juncture that Mrs Nosiseko Matutu called the police of Adelaide Police Station to deal with the accused in accordance with the law.
- (vi) The accused was at all material times calm; he was not intimidated, nor threatened. There were no weapons like firearms, knobkieries, sticks, etc. It is the community rule that at the tanks, no weapons are allowed, nor drunk individuals, nor the use of violence when an interested person is questioned.
- (vii) The accused made the report freely, voluntarily and without any form of intimidation

[24] Their evidence corroborates that of police officer Dinga. He testified that on 16 August 2024, he was on duty and he attended to the call by Mrs Nosiseko Matutu and arrived at the tanks, where the community had gathered. According to his testimony, on his arrival, the community was not violent, the accused was pointed out by Mrs Matutu, he was seated and calm with no signs of fear or intimidation. He took him to the police station, where the accused reiterated the

report he made to the community members, without being forced to do so, and without any promises whatsoever. The accused did not complain of threats from community members from Constable Ding, nor did he complain about intimidation from the community members.

[25] Constable Ding testified that before the accused made a report to him relating to the deceased's death, he gave him his Section 35 Constitutional rights, as contained in SAP 14, and handed him a copy thereof. The accused confirmed to have made the report freely and voluntarily, so testified Constable Ding.

[26] The accused's alleged confession was recorded on 18 August 2024, by Captain Van Heerden at Adelaide Police Station. Captain Van Heerden testified that at the time of the accused alleged confession, he was alone, except the interpreter, Sergeant Ngqobongwana and the accused. He testified that he advised the accused of his Section 35 rights and his right to report any irregularities, assaults, threats or unacceptable behaviour by police officers or community members. The accused elected to continue and make a statement freely and voluntarily. The statement was on conclusion read to him and he signed each page of the statement.

[27] The state's evidence on trial within a trial remained consistent and unshaken despite cross-examination.

[28] The accused testified at the close of the State's case on trial within a trial. His version is much harder and difficult to understand. In my assessment, his version was of such poor quality that no credible weight can or could be attached to it. His version as a witness, to some extent, if not all, differs from that which his counsel put to the witnesses.

[29] His version contained numerous additions and exaggerations, which, to a certain extent, contain no probability of truthfulness. I will cite a few instances, his version on examination in chief was that he was asked to meet the community at the tanks on Thursday, something that was new and not put to the witness of the State. He was not certain as to whether the alleged firearm was from Ganto or Ncede. He only mentioned having been poured with cold water on his testimony, a version not put to the witnesses. His brother, who was called as a witness, worsened the accused's version. For the first time, he testified that the accused's clothes were wet to the extent that he, together with another community member, brought to the accused dry clothes for him to change into before he was taken by the police.

[30] His brother's evidence added that they were threatened by community members to be killed in the same way they killed the deceased. The shocking and unbelievable part, only added when the accused brother testified, was that their mother was at all material times observing and helpless during the whole ordeal. Lastly, the fact that he was stoned was only added as he gave evidence.

[31] The worst scenario is his testimony that the report he gave to the community, the police and Captain Van Heerden was his imagination, because he was under duress and intimidation. If it were so, he could be a good storyteller; he maintained a consistent story until it was recorded by Captain Van Heerden. In conclusion, there is no possibility of truth from his version.

[32] There is legal certainty as far as the requirements of confession and its admissibility. Confession is defined as an unequivocal admission of guilt, equivalent to a plea of guilty in a court of law. In this regard, see *R v Becker*, 1929 AD 167 at 171, and see also *S v Molini*, 2008 (3) SA 608 (C) at para 28.

[33] Section 217 (1) (iii) of the CPA requires that a confession must be made by a person in his sound and sober senses, without having been unduly influenced thereto, and must be made freely and voluntarily. It must have been made before a peace officer or Commissioned officer as referred to in Section 334 of the CPA, and authorised to take a confession as provided for in Section 217(1)(iii)(4) of the CPA.

[34] After closing arguments on a trial within a trial, this court made a ruling that the statement the accused made before Captain Van Heerden on 18 August 2024 is admitted as a confession. This court is satisfied that the statement meets or complies with the requirements for the admission of a confession as provided for in Section 217 of the CPA. Consequently, that ruling stands.

[35] This court, having admitted the accused's confession, in terms of Section 209 of the CPA, a conviction may follow on confession by the accused. This Section provides that:-

“An accused may be convicted of any offence on the single evidence of a confession by such accused that he committed the offence in question, if such confession is so confirmed, if the offence is proved by evidence, other than such a confession, to have been actually committed.”

[36] It is well established in our law that when evaluating evidence, a court must adopt a holistic approach where the evidence is considered in its totality. Navsa JA stated this as follows in *S v Trainor*<sup>1</sup>.

“A conspectus of all the evidence is required. Evidence that is reliable should be weighed alongside such evidence as may be found to be false. Independently verifiable evidence, if any, should be weighed to see if supports any of the evidence tendered. In considering whether evidence is reliable, the quality of that evidence must of necessity be evaluated as must corroborative evidence, if any. Evidence, of course, must be evaluated against the onus on any particular issue or in respect of the case in its entirety”.

[37] Given that there is no direct evidence by the state implicating the accused in this matter, the matter thus turns on inferential reasoning as well as where probabilities lie.

---

<sup>1</sup> 2003 (1) SACR 35 (SCA) at para [9].

[38] The legal principles are trite when it comes to inferential reasoning, as they had been set out decades ago in the *locus classicus* case of *R v Blom*<sup>2</sup>. In that case, it was stated that two cardinal rules of logic cannot be ignored when one is relying on circumstantial evidence. These are:

- “(1) The inference sought to be drawn must be consistent with all the proved facts. If it is not, the inference cannot be drawn.
- (2) The proved facts should be such that they exclude every reasonable inference from them save the one sought to be drawn. If they do not exclude other reasonable inferences, then there must be a doubt whether the inference sought to be drawn is correct.”

[39] The State must prove its case beyond a reasonable doubt. Nugent J in *S v Van der Meyden*<sup>3</sup> explained:

“The onus of proof in a criminal case is discharged by the State if the evidence establishes the guilt of the accused beyond reasonable doubt. The corollary is that he is entitled to be acquitted if it is reasonably possible that he might be innocent (see, for example, *R v Difford* 1937 AD at 370 at 373 and 383). These are not separate and independent tests, but the expression of the same test when viewed from opposite perspectives. In order to convict, the evidence must establish the guilt of the accused beyond reasonable doubt, which will be so only if there is at the same time no reasonable possibility that an innocent explanation which has been put forward might be true. The two are inseparable, each being the logical corollary of the other”.

---

<sup>2</sup> 1939 AD 188.

<sup>3</sup> 1999 (1) SACR 447 (W) 448F-G.

[40] Brand AJA in *S v Shackell*<sup>4</sup> summarised the standard thus:

“It is a trite principle that in criminal proceedings the prosecution must prove its case beyond reasonable doubt and that a mere preponderance of probabilities is not enough. Equally trite is the observation that, in view of this standard of proof in a criminal case, a court does not have reasonably possibly true in substance the court must decide the matter on the acceptance of that version. Of course it is permissible to test the accused’s version against the inherent probabilities. But it cannot be rejected merely because it is possible; it can only be rejected on the basis of inherent probabilities if it can be said to be so improbable that it cannot reasonably possibly be true”.

[41] The standard must be applied in relation to the holistic assessment of all the evidence presented. In *S v Chabalala*,<sup>5</sup> the Supreme Court of Appeal explained:

“The correct approach is to weigh up all the elements which point towards the guilt of the accused against all those which are indicative of his innocence, taking proper account of inherent account strengths and weaknesses, probabilities and improbabilities on both sides and, having done so to decide whether the balance weighs so heavily in favour of the State as to exclude any reasonable doubt about the accused’s guilt.”

---

<sup>4</sup> 2001 (2) SACR 185 (SCA) para 30.

<sup>5</sup> 2003 (1) SACR 134 (SCA) para 15.

[42] Having considered all the evidence before me, the arguments and the submissions made by Counsel, I am satisfied and of the view that the State succeeded in proving its case against the accused beyond a reasonable doubt.

### **Order**

[43] In the circumstances, the following order is made: -

1. The accused is found guilty of murder as charged.

---

**M MHAMBI**  
**JUDGE OF THE HIGH COURT (ACTING)**

### **APPEARANCES:**

|                         |   |                                             |
|-------------------------|---|---------------------------------------------|
| Counsel for the State   | : | <i>Adv. Van Rooyen</i>                      |
| Instructed by           | : | Director of Public Prosecutions<br>Makhanda |
| Counsel for the Accused | : | <i>Adv. Mc Cullum</i>                       |

Instructed by : Legal Aid Board of South Africa  
Makhanda

Heard on : 10 - 14 November 2025

Judgment on Conviction Delivered on : 19 November 2025