



**IN THE HIGH COURT OF SOUTH AFRICA
EASTERN CAPE DIVISION, MAKHANDA
(GRAAFF-REINET CIRCUIT COURT)**

NOT REPORTABLE

Case no: CC33/2025

In the matter between:

THE STATE

and

FABIAN ROMEO LIESING

Accused

JUDGMENT

Govindjee J

[1] F[...] M[...] (the deceased) died in her home (the home) on the morning of 2 November 2024 due to blood loss caused because of a single stab wound to the

chest.¹ The accused (Mr Liesing), her live-in partner, is charged with her murder. He pleaded not guilty and denies that he inflicted the fatal injury.

The state's case

[2] Mr Liesing, the deceased and Ms Matayi had spent the evening of 1 November 2024 drinking together. They continued to do so at Ms Matayi's home between approximately 06h00 and 08h00 on the day of the incident, consuming approximately two litres of a type of wine. Mr Liesing, who was under the influence of alcohol, then accompanied Mr Adams to town, while the deceased and Ms Matayi continued to consume alcohol.

[3] Mr Adams recalled that he had fetched Mr Liesing around 08h00 on 2 November 2024. Mr Liesing appeared normal to Mr Adams, who sent him into a cash loans business to obtain some money. Mr Adams then purchased meat for Mr Liesing, and biltong for himself. He was offered the use of an Okapi knife (the knife) by Mr Liesing, which he refused. The two drove together to the home, talking jovially. Mr Adams gave Mr Liesing R30 and dropped him off on the street corner, close to the home.

[4] Mr Adams had himself been drinking the previous evening and his evidence revealed various shortcomings. I accept Mr Liesing's testimony that he consumed a beer in Mr Adams' presence. In addition, contrary to Mr Adams' evidence that Mr Liesing was 'normal', I accept the latter's testimony that he was moderately under the influence at that stage, and when he returned to the home. Whereas Mr Adams initially testified that he had been with Mr Liesing for one to two hours, he later conceded that a period of under an hour was more likely. I find that this timeframe accords better with the other accepted evidence. What occurred in the home in the hour or so after Mr Liesing's return from the trip to town forms the crux of the case.

¹ The chief post mortem findings were described as follows: 'stab wound on right chest anterior cutting through right sub-clavian artery just before it goes into axilla ... pale internal organs'. The wound was 4cm in length on the right chest interior, just below the right clavicle and 10 cm right of the midline. The tract of the wound proceeded downwards, to the back and from left to right towards the right axilla (armpit), cutting through the right sub-clavian artery before proceeding into the axilla.

[5] During that time, Mr Liesing arrived at Ms Dampies' door and asked her to come to the home. Speaking calmly, he told her that the deceased had been washing and had fallen on a beer bottle. As she had another visitor, she informed him to call somebody else. She did not realise that anything serious had occurred and was surprised to find the deceased lying in her own blood, on her back and wearing only a T-shirt, when she attended the home ten to fifteen minutes later. I accept her evidence that this was during the time that Mr Liesing had proceeded to call Ms April and that they arrived approximately fifteen minutes thereafter, followed by ambulance personnel and, later, the police. Mr Liesing, still speaking normally, had tried to wake the deceased by calling her name. Ms Dampies was a good witness who gave considered responses to the questions posed of her and who was able to deduce Mr Liesing's movements once he had returned with Ms April.

[6] Ms April, the deceased's cousin, lived approximately 15 minutes' walk away from the home. She recalled that Mr Liesing arrived between 09h00 and 10h00 and asked her to accompany him. He said only a few words, repeatedly called her, uttered the deceased's name and the words 'the blood'. His voice sounded normal to her, but with a sense of urgency. The two then walked quickly to the home. Ms April testified that Mr Liesing and the deceased loved each other very much, which accords with the evidence of Ms Dampies. She resided across the road from the home and had spent time with the couple, who were a popular couple in the neighbourhood. The two were not known to fight.

[7] Mr Liesing informed Sgt Amsterdam, one of the police officers who attended the scene, that the deceased had fallen off the toilet seat onto a beer bottle. As was the case with Ms Dampies, Sgt Amsterdam did not observe any glass bottles in the bathroom. Cst Gomfa, who accompanied Sgt Amsterdam, confirmed this evidence, as did Mr Jooste, an ambulance emergency assistant who had attended the scene shortly after 10h00 and completed the declaration of death. Cst Gomfa recalled that Mr Liesing had said that he had been sitting and talking to the deceased before she had proceeded to the bathroom.

[8] Mr Dlova, a senior forensic pathology officer, requested a second opinion because he had not observed any broken bottle, or pieces of a bottle, at the scene.

He was present when the autopsy was performed by Dr De Beer three days after the incident. His evidence confirms that the deceased had been wearing leggings, which had been pulled down, and a rolled-up T-shirt at the time of her death. The T-shirt had covered the wound which caused the deceased's death. He testified that, despite all the blood, he had felt for a cut on her head, from which blood had flowed. While he believed that such a cut existed, based on what he recalled feeling, this evidence is unsupported by the medical examination and testimony of Dr De Beer and must be rejected.

[9] Dr De Beer, a forensic pathologist, was an excellent witness who offered clear, well-supported evidence based on his knowledge and experience. He had been called by WO Kruger because of the quantity of blood at the scene and because the emergency medical services personnel had been unable to find any fatal wounds to the body. The deceased was found lying on the floor of her bathroom with a large amount of blood on the floor and walls. As a cursory external examination at the scene revealed no wounds, Dr De Beer decided to examine the body at the morgue. He then observed the fatal chest wound and informed WO Kruger.

[10] Dr De Beer opined that the 4cm-wound, given its nature, had been caused by a sharp object, most probably a knife. The skin had not burst, as would have been the case with a wound caused by a blunt object. The absence of other marks around the wound meant that it was unlikely that a broken bottle had caused the injury.

[11] Dr De Beer deduced that the injury had likely been caused at a time when the deceased was standing, although it was possible that she had been seated on the toilet. This was due to the spread of the blood around the bathroom. At some point she would have fallen on the floor. The tract of the wound proceeded downwards, towards the back and from the left to right of the deceased's body, towards the right armpit. The wound was not a particularly deep wound but had severed the sub-clavian artery. Scientifically, the doctor explained that the length of the wound need not correlate with the size of the blade considering that a cutting action would have been applied to the skin. The nature of the wound was such that the deceased had

likely collapsed within ten to fifteen minutes from the time the wound was inflicted. The same amount of time would typically have elapsed prior to her passing.

[12] Dr De Beer also considered the blood alcohol report obtained from the deceased's blood sample. He confirmed that she had been severely intoxicated at the time of the death, which correlated with Ms Mantayi's description of the deceased's condition at the time they parted. Dr De Beer's view was that the deceased was so intoxicated that she might not even have noticed that she had been stabbed and, therefore, not sought help immediately. Initially, she would have been able to walk around, despite the wound, and may not have realised the seriousness of her injury. In his opinion, the deceased had likely stood over the toilet bowl while bleeding.

[13] Cognisant that he had also been drinking, Dr De Beer testified that Mr Liesing would not necessarily have been able to realise the severity of what happened. When the wound had been inflicted there would not have been a lot of blood visible immediately. With each heartbeat, however, he would have observed the blood being released through the open wound. A person capable of making decisions would have seen enough to worry approximately two minutes after the injury had been inflicted.

[14] Sgt Theron, a crime scene investigator, had observed and photographed the knife on a television stand in the lounge of the home when he attended the scene. Once Dr De Beer had informed WO Kruger of the discovery of the wound that had been the cause of death, he had returned to the scene to collect the knife. Sgt Theron had observed only an oiliness on the blade, without any sign of blood. The knife had been duly processed and sent for DNA analysis.

[15] WO Kruger testified that Mr Liesing had spoken to him of his own accord when he arrived on the scene sometime after 10h00, having been informed of his rights. He had described that he and the deceased had lay in bed together to sleep, having consumed alcohol that morning. The deceased proceeded to the bathroom and, a short while later, called him by his nickname seeking assistance. At that stage she lay in the bathroom in front of the toilet on her stomach. He had turned her over

and there was no blood emanating from her body. She had, he said, fallen off the toilet and knocked her head on the bath and he had proceeded to seek assistance from Ms April.

[16] Despite the volume of blood in the bathroom, WO Kruger saw no signs of blood on the bath itself. He confronted Mr Liesing with this fact, adding that the distance between the toilet and bath was such that his explanation was unlikely. Mr Liesing then suggested that she had fallen forward onto the washing machine.

[17] According to WO Kruger, Mr Liesing had not behaved in a way that suggested he was distraught at having lost a loved one. He was subdued, showed no emotion and did not appear to be upset. On WO Kruger's own assessment, Mr Liesing was, however, under the influence of alcohol at the time, without being drunk beyond self-control and in control of his faculties. He appeared the same when he made a warning statement the following day, by which time he was sober. His version had now changed to include reference to a bottle as the cause of the injury. He had then confirmed that he and the deceased had been alone at home at the time of the incident. WO Kruger testified that he had seen little blood on Mr Liesing when he attended the scene, with no blood on his upper body. He had also searched the home and found no evidence of bloody clothes in any of the rooms. This suggested that Mr Liesing had not changed clothing after the incident.

[18] Cst Morley, the investigating officer, had accompanied WO Kruger when he arrested Mr Liesing. He testified that Mr Liesing had offered a different version of events at the station on the day of the arrest, at a time when he was still tipsy and appeared nervous, compared to the written warning statement he had made the following day when sober. In essence, he had joined the deceased in bed when he returned from his drive with Mr Adams. At some point the deceased had proceeded to the bathroom, informing him that she wanted to urinate. She then screamed from the bathroom that she had fallen. He attended to her and found her lying on the floor, bleeding. The deceased asked him to seek help. He called the neighbour across the way and then returned to the home to assess the deceased's condition. She then said he should call Ms April, which he did.

[19] The warning statement made no mention of the time spent with Mr Adams, or the visit to the neighbour across the way. Mr Liesing confirmed in that statement that he and the deceased had been alone at the home during the time of the incident. There were, however, various similarities between what had been said on the day of the arrest and the following day, including Mr Liesing's time spent drinking with Ms Matayi, that he and the deceased had been lying in bed before he heard her call and that he had proceeded to seek assistance.

[20] Cst Morley noted that Mr Liesing's demeanour had remained unaltered on both occasions that they had interacted, and that he had not displayed any overt emotions. Cst Morley indicated that human DNA had been located on the knife. Further analysis was necessary to determine if this matched the DNA of the deceased.

Mr Liesing's testimony

[21] Mr Liesing testified that he had spent time drinking with Ms Matayi and the deceased the night before the incident. They had returned to the home and slept but then returned to Ms Matayi's residence early in the morning to complete the leftover liquor. To that they added additional liquor that had been purchased. Mr Liesing had met Mr Adams around 08h00 and drawn money for him from a cash loan business. When Mr Adams had returned from the butchery shortly thereafter, Mr Liesing had offered him the use of the knife, which he had in his possession. He had consumed a beer in the vehicle before being dropped on the corner close to the home.

[22] Mr Liesing gave the deceased the meat, vegetables and later the knife, when he entered the home. He asked her to cook. She had not done so, and he had decided to go to bed. He had passed out on the bed but was aware that the deceased was in the home. He then heard her scream from the bathroom and was asked _____ to _____ call Ms April. He jumped out of bed and observed her lying in the bathroom. He tried to speak to her, but she was insistent that he should call Ms April. She was lying on her abdomen, and he had tried to turn her. He thought that she was becoming sick because of her chronic cardiac ailment. He observed blood on the floor, but no injuries.

[23] Mr Liesing proceeded to Ms Dampies given her proximity. He asked her for assistance but mentioned only that the deceased had fallen in the bathroom. When she did not return with him, he proceeded to Ms April and informed her that the deceased had fallen in the bathroom. Both Ms Dampies and Ms April were aware that the deceased took chronic medication for her condition.

[24] Later, when the police had arrived, Mr Liesing told them that he assumed that she must have sustained the fatal injury by falling against the bathtub, sink or on a bottle. He testified that he had been crying on the couch and that WO Kruger had observed this. On his own assessment, he was moderately under the influence of alcohol at the time that the incident occurred. As for the knife, this was used for domestic purposes by both Mr Liesing and the deceased. He described that the two had enjoyed a very good relationship, had lived together for more than eight months and were often in each other's company.

[25] Mr Liesing distanced himself from the version put on his behalf as to what he had told Ms Dampies about the deceased having fallen on a bottle. He had, he said, only informed her that the deceased had fallen in the bathroom and made no mention of the blood he had observed. He later testified that he could not recall whether he had told Ms Dampies about any bottle. That version must be rejected considering the quality of Ms Dampies' evidence on the point. Various other pieces of evidence appeared for the first time during his cross-examination. For example, he now explained that he had run across the road to Ms Dampies. He had not heard her response to him because, at that moment, the deceased shouted to him to proceed to Ms April. His uncertainty about where he had met Mr Adams had been replaced by conviction that they had met some distance away from Ms Matayi's home. He had, he said, walked to meet Mr Adams on a street corner. This contrasted with the plea explanation tendered on his behalf, in terms of which he had been woken by Mr Adams' hooting, and shaken awake by the deceased, outside Ms Mantayi's home that morning. The accepted evidence is that he had been awake, aware and watching the clock so that he could meet Mr Adams timeously around 08h00, notwithstanding his alcohol consumption in the time he had spent at Ms Mantayi's home. He was sober enough to proceed by himself into the cash loan business and

recalled signing for the loan he obtained for Mr Adams. On his own version, he consumed no more than a single beer, which was consumed in the vehicle, from that time until the time of the incident.

[26] He also stated, for the first time, that the deceased had been in the company of her friends when he returned to the home and handed her the groceries. He now indicated that he had proceeded straight to the bedroom to sleep and made no mention of giving the knife to the deceased. He laughed and was unable to answer when asked why he would have had the knife with him when he was with Mr Adams, considering that it was used for domestic purposes. He recalled that the deceased had joined him in bed, which suggests that, on his own version, he remained aware of the events occurring around him and had not fallen into a deep sleep. He conceded on various occasions that the two were alone in the home together. Towards the end of his cross-examination, however, he seemed to suggest only that he had not seen anybody else in the home, the implication being that somebody else may well have been present.

[27] Cross-examination also elicited, for the first time, the version that he had continuously, and unsuccessfully, attempted to call the ambulance while he ran to Ms April's house. He had, however, not thought to call Mr Adams, who worked as an ambulance practitioner, because he was off duty. He chose to walk back to the home with Ms April, rather than run and admitted having no expectation that she would be able to offer any assistance whatsoever. He also added a second chronic liver condition to the deceased's cardiac ailment he had mentioned during evidence-in-chief.

Analysis

[28] There are three main issues that require consideration. Firstly, the state's case against Mr Liesing is based on circumstantial evidence. Where the evidence is purely circumstantial, a court must apply the two rules of logic referred to in *R v Blom* (*Blom*), before a conviction is possible:²

'In reasoning by inference there are two cardinal rules of logic which cannot be ignored:

² *R v Blom* 1939 AD 188 at 202–203.

- 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.'

[29] An inference of guilt can only be drawn from facts which have been objectively established, and due allowance must be made for the reasons why the accused may have been a mendacious witness or dishonestly denied certain facts.³ Inference must be carefully distinguished from conjecture or speculation. There can be no inference unless there are objective facts from which to infer the other facts which it is sought to establish. It is important to note that if there is an absence of proved facts from which the inference can be made, the method of inference fails and all that is left is speculation or conjecture.⁴ In other words, before he can be convicted as charged, there must be proved facts which justify an inference that Mr Liesing is linked to the death of the deceased. In the absence of such facts, there is no *prima facie* case against Mr Liesing and even mendacious evidence would not serve to supplement gaps in the State case and justify a finding of guilt. The evidence must be considered in its totality before applying the *Blom* logic. It is inappropriate to, piece-meal, subject each individual piece of evidence to a consideration of whether it excludes the reasonable possibility that the explanation given by an accused is true.⁵

[30] The common cause or proven facts are the following:

- (a) Mr Liesing and the deceased had lived together as a couple for eight months at the time of the incident.
- (b) The deceased died due to blood loss caused by a single stab wound to the chest sometime before 10h00 on the morning of 2 November 2024.

³ *S v Mtsweni* [1985] 3 All SA 344 (A) at 345–346; 1985 (1) SA 590 (A) at 593D–594G. Also see *S v Steynberg* 1983 (3) SA 140 (A), detailing the various factors that must be considered in assessing the mendacious evidence of an accused,

⁴ *S v Essack and Another* 1974 (1) SA 1 (A) at 16D.

⁵ *S v Reddy and Others* 1996 (2) SACR 1 (A) at 8.

- (c) Mr Liesing had the knife in his possession when he was with Mr Adams and returned to the home with it. The knife has since been assessed as containing some human DNA.
- (d) No glass bottles, broken or otherwise, were found on the scene. The injury inflicted was, in any event, inconsistent with that typically caused by a broken bottle.
- (e) The deceased and Mr Liesing were both at the home at the time of the incident.
- (f) The deceased was severely intoxicated at the time of death, to the extent that she might not even have realised that she had been stabbed. She was, however, able to communicate verbally with Mr Liesing following the incident, and did so.
- (g) She would likely have collapsed ten to fifteen minutes after having been stabbed and passed away the same period thereafter.
- (h) Mr Liesing was moderately intoxicated at the time of the incident.
- (i) After the incident, he first sought assistance from Ms Dampies and then Ms April.
- (j) He offered various possible explanations to the police as to what may have occurred.

[31] The inference that it was Mr Liesing that stabbed the deceased with the knife is consistent with all these facts. Furthermore, the proved facts are also such that they exclude every other reasonable inference. As Ms *McCallum*, for Mr Liesing, suggested, the only other remote possibility to consider was that an unknown intruder had managed to enter the home while Mr Liesing was asleep, stabbed the deceased once and fled the scene without trace. The proposition needs only to be stated to be rejected as fanciful. There was simply no evidentiary basis to support any such scenario, including forced entry. In addition, accepting the evidence of Dr De Beer, the deceased and Mr Liesing were likely able to interact for some minutes after the incident before she collapsed. On his own version, he had no difficulty being roused from sleep and engaged with her before deciding how to proceed. That being the case, the deceased would clearly have communicated in a wholly different manner to Mr Liesing had she been stabbed by an intruder, notwithstanding her state of intoxication. She would, at the very least, have communicated that she had

been stabbed, and not merely insist that Ms April, who could offer no real assistance, should be called. Indeed, Mr Liesing voluntarily indicated in his warning statement that he and the deceased had been alone in the home at the time of the incident and, up to the time of his own cross-examination, conducted his case on that basis.

[32] That aside, Mr Liesing would have the court believe that he had laboured under the assumption that her chronic condition(s) had caused her to fall and bleed. Considering the medical evidence, and all the evidence, including photographic evidence of the bathroom and the testimony of those who attended the scene, any suggestion that the deceased had impaled herself on a sharp object in the bathroom may safely be rejected. There was no object in the bathroom, or found in the bathroom after the incident, supportive of that scenario.

[33] The SCA has confirmed that it is folly to think that circumstantial evidence means some sort of weaker or less reliable evidence.⁶ In the present circumstances, on my assessment the result is that the circumstantial evidence is compelling and proves beyond reasonable doubt that Mr Liesing stabbed the deceased with the knife shortly after he returned to the home after his trip to town with Mr Adams. It was for these reasons too that the application for discharge in terms of s 174 of the Criminal Procedure Act, 1977,⁷ was unsuccessful.

[34] Mr Liesing was a mendacious witness who had no qualms about repeatedly modifying his version to suit his preferred narrative. Various inconsistencies in his version have been detailed, above. I also accept Ms Dampies' evidence that he had referred to the deceased bathing and falling on a bottle when he sought her assistance. This was also the version put on his behalf. He spoke calmly to her, so that she had no real appreciation of the severity of the situation. While he was not to know that she would not accompany him immediately to the home, it must be accepted that he had already, by then, taken steps to clean the knife, while the deceased was bleeding in the bathroom. This also speaks to his state of mind at the time. He had subsequently proceeded to Ms April on what was close to a 30-minute

⁶ *Jantjies v S* [2014] ZASCA 153 para 17.

⁷ Act 55 of 1977.

round trip, knowing that the deceased was still bleeding and that Ms Dampies was unable to assist, rather than seeking any other form of assistance. His version that he had attempted to call an ambulance must also be rejected as a fabricated afterthought. Despite being in possession of his phone, he had not called anyone throughout this time. The inevitable conclusion to be drawn is that Mr Liesing acted after the incident, and has continued to act during these proceedings, in a manner designed to avoid accountability for his conduct. All of this is not to suggest in any way that the inferences have been drawn against Mr Liesing merely as punishment for untruthful evidence.⁸

[35] The second issue is the question of intention. This requires the court to consider all the circumstances of the case, including the good relationship between Mr Liesing and the deceased, and Mr Liesing's individual characteristics which the evidence has brought to light, notably his degree of intoxication. The court is obliged, to the best of its ability, to place itself in Mr Liesing's position at the time of the commission of the act and then try to ascertain his state of mind at that moment.

[36] Here too, there are useful inferences to be drawn from the proved facts. The objective factors to be considered include the type of weapon used, the seriousness of the injury and depth of the wound, the part of the body which was wounded as well as the objective probabilities of the case and general human experience.⁹ These are all useful aids employed to answer the ultimate question. In deciding to stab the deceased as he did with the knife, on her body and applying a downward motion, while both were intoxicated, I am satisfied that Mr Liesing subjectively foresaw that there was a possibility of a mortal wound being inflicted. Considering the dangerous nature of the weapon, the likely force with which it was wielded and the location of the stab on the body, the deceased's death was not only a remote possibility. He reconciled himself to this concrete risk and persisted in his conduct reckless as to the consequences, so that his culpability has been established. The state has, in my view, proved both dimensions of *dolus eventualis* beyond reasonable doubt.

⁸ Cf *S v Burger and Others* 2010 (2) SACR 1 (SCA) para 30. Also see DT Zeffertt and AP Paizes *Essential Evidence* (2nd Ed) (2020) at 35.

⁹ CR Snyman *Criminal Law* (7th Ed) (2020) at 169.

[37] The third and final issue to be determined stems from Mr Liesing's plea explanation. This conveyed the impression that Mr Liesing had been drinking for a continuous, extended period for a day and night, that he had passed out only to be woken by Mr Adams' hooting. He had then proceeded with him but continued drinking, returned and passed out immediately before awaking to the deceased's screams. That version is unsupported by the evidence, particularly considering Mr Liesing's conduct before and after the incident, as detailed above, and his own assessment of his level of sobriety.

[38] It is accepted that it is only in highly exceptional cases that it will be found that the effect of intoxication is such as to exclude an accused's capacity to know that what they are doing is unlawful, or so as to result in a lack of capacity due to a 'fundamental disintegration of the accused's inhibitions'.¹⁰ Even the fact that a drunken person does not remember afterwards what he did or intended to do does not necessarily mean that he lacked criminal capacity when he committed the wrongful act.

[39] This is not such an instance and there is little evidence, if any, as to the actual effect of liquor on Mr Liesing's state of mind at the time.¹¹ The evidence of his actions before, at the time of and after the incident, as appears from the evidence, is crucial in assessing the point.¹² It must also be noted that, despite the additional alcohol brought to Ms Mantayi's home that morning, her evidence that Mr Liesing only partook of a portion of the available liquor is uncontested. It is important that he was able to monitor the time so that he could meet Mr Adams, converse normally with him, proceed to the cash loans business and sign for money received, as he confirmed during his evidence. Considering all the circumstances, Mr Liesing's conduct prior to and in the immediate aftermath of the incident supports the finding that he was in control of his faculties and it may be inferred that he well knew what he was doing when he stabbed the deceased. He had certainly consumed a large quantity of alcohol spread across the preceding 24 hours or so, in between some hours of sleep, various time spent walking outside and accompanying Mr Adams.

¹⁰ *Snyman* above n 9 at 197.

¹¹ See *S v Saaiman* 1967 (4) SA 440 (A).

¹² See *S v Lombard* 1981 (3) SA 198 (A).

But it does not follow that this constitutes a defence, particularly when the evidence suggests that he knew what he was doing when he decided to stab the deceased, with intention in the form of *dolus eventualis*. On my assessment, Mr Liesing cannot be said to be so drunk that he could not and did not have the intention to stab the deceased.¹³ Disinhibition is, as Strydom notes, not a defence.¹⁴

[40] Considering the outcome in respect of each of the three key issues, and having considered the evidence in its totality, it is apparent that the state has proved each of the requisite elements of the crime beyond reasonable doubt.¹⁵ Mr Liesing's version of events is inherently improbable to the extent that it may be said to be not reasonably possibly true in substance and must be rejected.

Order

[41] The accused, Fabian Romeo Liesing, is found guilty of murder as charged.

A GOVINDJEE
JUDGE OF THE HIGH COURT

Heard: 24–27 November 2025

Delivered: 28 November 2025

Appearances:

For the State: Adv F Bosman
Instructed by: Director of Public Prosecutions

¹³ See *S v Masia* 1962 (2) SA 541 (A) at 547.

¹⁴ Strydom above n 9 at 198.

¹⁵ *R v De Villiers* 1944 (AD) 493 at 508–509.

For the Respondent:

Adv H McCallum

Instructed by:

Legal Aid South Africa