

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG LOCAL DIVISION, JOHANNESBURG

- (1) REPORTABLE: NO  
(2) OF INTEREST TO OTHER JUDGES: NO  
(3) REVISED

21 JANUARY 2026

DATE

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SIGNATURE

**CASE NUMBER:** SS39/2025

In the matter between:

**THE STATE**

and

**RANKOW LERULL DONEL**

**Accused 1**

**VAN WYK GARTH LAWRENCE**

**Accused 2**

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**JUDGMENT**

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**DOSIO J:**

***Introduction***

[1] The accused are arraigned on the following counts:

(a) Count one - murder in terms of s51(1) of the Criminal Law Amendment Act 105 of 1997 ('Act 105 of 1997') in that it is alleged the accused killed Ashley Ricardo Kelly on 26 May 2023 at 2 Buffet Street, Riverlea.

(b) Count two - murder in terms of s51(1) of Act 105 of 1997 in that on the same date as count one, in Riverlea, the accused killed Renaldo Deago Spies.

(c) Count three – that on the same date and place mentioned in count one, the accused attempted to kill Celline Lauren Hendricks.

(d) Count four – that on the same date and place as count one, the accused were in unlawful possession of a firearm, unknown to the state and that they contravened s3 of the Firearms Control Act 60 of 2000.

(e) Count five – that on the same date and place as count one, the accused were in unlawful possession of six bullets, of which the particulars and specifications are unknown thereby contravening s90 of Act 60 of 2000.

[2] The accused are represented by Ms Meintjes and the State is represented by Advocate Masina.

[3] The minimum prescribed sentence of life imprisonment was explained to both accused in respect to counts one and two, as well as the minimum prescribed sentence in count three. Both accused understood.

[4] There was no application made for the appointment of an assessor.

[5] The accused pleaded not guilty to all five counts and no plea explanation was made on behalf of either accused.

[6] The following formal admissions in terms of s220 of the Criminal Procedure Act 51 of 1977 ('Act 51 of 1977') were made on behalf of both accused, namely:

(a) That the deceased is the person named in the indictment in Count (1) to wit Ashley Ricardo Kelly an adult male person.

(b) That the deceased in the indictment on Count (2), namely, Renaldo Deago Spies is an adult male person.

(c) That the victim on the indictment in Count (3) is Celline Lauren Hendricks who is an adult female person.

- (d) The deceased died because of a shooting incident that occurred on 26 May 2023 in Riverlea in the district of Johannesburg West.
- (e) That the person named in the indictment in Count (3) Celline Lauren Hendricks was seen and examined by Mochidi Thapelo Rammobi a registered nurse on 26 May 2023 at Garden City Hospital who then compiled a medico legal examination report J88 and recorded his finding on exhibit "B".
- (f) The correctness of the facts and findings of the J88 medical examination recorded on the J88 are admitted as true and correct
- (g) The body of the deceased in count (1) Ashley Ricardo Kelly was transported from the said scene of crime to the Johannesburg Forensic Pathology and was allotted Mortuary Serial Number DR NO 1564/2023.
- (h) That the body of the deceased sustained no further injuries from the time on which the wounds were inflicted on 26 May 2023 until a post- mortem examination was conducted thereupon.
- (i) On 1 June 2023 Dr Ayanda Mohaba Mofokeng conducted a post-mortem examination on the body of the deceased and recorded her findings on the form GW 7/15, the Medico Legal Report marked exhibit "C", handed together with an affidavit in terms of section 212(4 and 8) of Act 51 of 1977 in respect of the post-mortem examination.
- (j) The facts and the findings of the post-mortem examination recorded by Dr Ayanda Mohaba Mofokeng in the post-mortem report Exhibit "C" are both true and correct.
- (k) The cause of death was determined to be "penetrating gunshot wound to the chest"
- (l) The body of the deceased in count (2) Renaldo Deago Spies was transported from the said scene of crime to the Johannesburg Forensic Pathology and was allotted Mortuary Serial Number DR NO 1607/2023.
- (m) That the body of the deceased sustained no further injuries from the time on which the wounds were inflicted on 26 May 2023 until a post- mortem examination was conducted thereupon.
- (n) On 2 June 2023 Dr Dandu Claude Modzanga conducted a post-mortem examination on the body of the deceased and recorded her findings on the form GW 7/15, the Medico Legal Report marked exhibit "D", handed together with an affidavit in terms of section 212(4 and 8) of Act 51 of 1977 in respect of the post-mortem examination.
- (o) The facts and the findings of the post-mortem examination recorded by Dr Dandu Claude Modzanga in the post-mortem report Exhibit "D" are both true and correct.

(p) The cause of death was determined to be “consistent with history of gunshot wound to the abdomen requiring multiple interventions and related complications”

(q) That the contents, correctness, and chain of custody in respect of the following is admitted.

[7] The State called the following witnesses:

Celline Lauren Hendricks, Selwyn Jantjies, Tshediso Nukeri, Linda Shabangu and Desmond Spies. Accused one and two then testified. The defence also called Veronica Anthony, Taelon Reyneke and the investigating officer.

***Celline Lauren Hendricks***

[8] This witness testified that she is 24 years old and lives in Newclare. On 26 May 2023, she went to Riverlea to visit her friend Renaldo Spies ('the deceased on count two'). She arrived at 18h00. She was sitting in the garage with the deceased on count two, Kappie ('the deceased on count one') and Wawa. Whilst sitting there she heard gunshots and about five bullets hit her on the right leg and right upper abdomen. She was admitted to hospital for a month and remained at the Helen Joseph hospital. As a result of the injury, she cannot walk properly, she cannot stand or sit for long and this has affected her ability to work. Both the deceased on count one and two were shot dead. She stated she was unable to identify the people who shot her and the deceased. She also stated the accused before court are unknown to her.

[9] This witness impressed this court. She merely stated what happened on this evening and did not attempt to falsely implicate any of the accused.

***Selwyn Jantjies***

[10] This witness testified that he is 43 years old and currently unemployed. He currently lives in Port Elizabeth. Prior to this, he lived in Johannesburg at Riverlea at 887 Seekoei street in Riverlea.

[11] He stated he knew both accused as he lived in Riverlea for 28 years and also worked at various houses in Riverlea. He knew accused one by his nickname, namely “Fish”. He knew him as he used to go and buy drugs from him on behalf of a friend. He often went to accused one`s house where accused one would serve him. Over the years he has never had any misunderstanding with accused one.

- [12] He knew accused two as during the period 2020 to 2023 he would do odd jobs in the area where accused two used to sell drugs. Accused two rented in the same street where Renaldo Spies (the deceased), also lived. He knew accused two by the name "Garth". He did not know his surname. He never had any grudges or fought with accused two.
- [13] On 26 May 2023 at 19h30 he was at the Spies` family in the garage with the deceased. He went there to collect money due to him for gardening services rendered. Three people alighted from a car. This witness knew them as Celine, Wawa and Kappie. They entered the garage. He then left to go out and smoke a cigarette. The people who arrived went into the garage to smoke a hooken pipe.
- [14] He noticed a white car driving on the wrong side of the street. There were street lights and before the car parked he could see who was inside the car. The car was on the wrong side of the road, so the car was closer to him. The driver was De Wyn. The front passenger was "Fish" accused one. In the back seat was "Garth" (accused two) and another man whose head was covered with a hoodie. The car was 2 metres away from him when he identified the occupants. The vehicle was a VW Jetta, white in colour. He knew this car as it was always driven by De Wyn. The car drove slowly as there was a speed bump in the road which caused the car to slow down. The car was 8 metres from the speed bump when he saw it. The car was coming towards him. After the car parked, he then crossed the street. The car proceeded to the stop street and then turned towards the direction of the shops. This witness continued smoking his cigarette. He noticed that Renaldo and Kappie were having a conversation at the doorway of the garage. Celine and Wawa were at the garage. Four minutes transpired and then the same white VW Jetta vehicle returned. This witness had moved down the street to the corner. He saw both accused stretching their arms out of the VW Jetta vehicle windows pointing towards Renaldo and Kappie. He then heard shots being fired. He was afraid of his own life and he moved away as the car was coming in his direction whilst the shots were being fired continuously. When he moved away he was still looking at the car and he clearly saw who was firing the shots. He stated it was accused one in the left front passenger seat and accused two in the seat behind accused one who were firing the shots. The car then drove off.
- [15] This witness then crossed over to the garage to see if anyone had been shot. He saw Renaldo and Kappie both lying on the floor. Celine Hendriks was also in pain and was screaming. Wawa and another person helped to take Kappie to a car. Renaldo`s mother

made a call to her husband. Five minutes later Renaldo`s father arrived and went to where Renaldo was lying. Renaldo`s father called out Renaldo`s name, but there was no response. Renaldo`s father said all injured persons must be taken to the hospital. This witness only found out later that Kappie`s name was Ashley (the deceased on count one).

- [16] This witness stated the next day he made a statement to the police. He added that because the docket with his initial statement went missing, he made another statement on 20 January 2024. The previous investigating officer passed away and the matter was assigned to another investigating officer.
- [17] This witness had no knowledge why this attack occurred and he also had no knowledge when the accused were arrested, however, their arrest happened shortly after he made the second statement. He was also unaware of any existing grudges between the accused Renaldo, Kappie and Celine. There was no retaliation from the deceased or Celine when the shooting occurred. He stated he also had no reason to falsely implicate the accused.
- [18] As regards visibility of the scene, this witness stated that there was a light mounted above the garage of the Spies` home, as well as a street light which rendered light to the area in front of the garage. He mentioned the white VW Jetta was also in front of the garage light when the shooting occurred. The light of the motor vehicle were also on.
- [19] He stated that he was called to identify the accused, but this was after he made his second statement. During the evidence for the defence an issue arose that an identification parade was indeed held and that none of the accused were pointed out. This aspect was not dealt with during the evidence in chief or the cross- examination of this witness. As a result, at the end of the defence`s case, this court in terms of Section 186 of Act 51 of 1977 recalled this witness. This court had to do this as the current investigating officer was not sure if an identification parade was held prior to his involvement in this matter, as the docket had no statement when he received it.
- [20] He was adamant that he was present at the scene and saw what transpired. He had come there to collect the money he was owed for the gardening work.
- [21] Regarding the issue pertaining to a possible previous identification parade, this witness stated that he had never been called to attend an identification parade. He was only

called to go to the Johannesburg Magistrate Court where he was asked to point out the suspect.

- [22] When he went to the Johannesburg Magistrate Court, he was accompanied down into the basement, where he identified Fish, who is accused one. He could not see Garth, who is accused two. He however called Garth`s name who then stepped forward. He then identified the two accused to the current investigating officer. He added that had he been called to attend a formal identification parade at the Langlaagte Police Station, he would have had no problem to identify the two accused as he knew them as they sold drugs.
- [23] This witness denied the version put to him by the legal representative for the accused to the effect that he had been called to attend a formal identification parade on 7 June 2023 and that this was cancelled because he informed the previous investigating officer that he could not identify anyone.
- [24] During cross- examination this witness repeated he had arrived at this house around quarter past to twenty past seven in the evening. He did not see all the people in the garage smoking the hooken pipe as he was there 13 minutes then he went out. He stated he went out to smoke as the Spies family are non- smokers. The garage door was already open when he got there.
- [25] This witness was very clear on his movements that night with regards to the time he arrived, what he ate and when he went across the street to smoke. He was certain who he saw in the white VW Jetta and he repeated that the car made a U-turn in Buffels street. He repeated it took about five minutes after the shooting for Renaldo`s father to arrive at the scene. He repeated two cars were used to take the victims to the hospital. He remembered with clarity who was seated in each car and that Wawa drove one of the motor vehicles.
- [26] He stated he made a statement to the police the following day.
- [27] A sketch was compiled namely, Exhibit "E" where the witness indicated the set up of roads where the shooting occurred, as well as the direction the car travelled prior to and after the shooting.
- [28] The video footage was shown in court. It was put to this witness that he was not seen on the video. This witness replied that "*it depends on the angle which the camera was facing*". It was clear to the Court that the angles of the camera did not extend right down

to the curve in Cherwane Road, beyond the speed bump, which is the area stated he moved to after the shooting started. This witness also stated that there are trees beyond the bump in the street which could have obstructed the view.

- [29] This witness also stated that there are flood lights inside the yard of Mr Spies` house which were all working that evening. He stated the garage door was open and light shone into the street.
- [30] This witness was adamant that when the car returned, the occupants and the people in the car were in the same position as when he first saw them. This is because the Jetta`s windows were open.

***Tshediso Ingnatius Nukeri***

- [31] This witness testified that he is employed by the Johannesburg Metro Police and working at the tactical response unit.
- [32] He stated that on 30 May 2023, he was on duty with his colleagues, Linda Shabangu and Bonginkosi Ngcobo. They received a call about people having firearms in their possession. They drove to a house in 33 Keiskama Street, Riverlea. He arrested the first suspect who had a firearm on the right side of his waist. The man told him the firearm was his but he was unable to produce a firearm license, so he arrested him.
- [33] During the testimony of this witness in court he could not remember or identify either of the accused in court. The State advocate referred him to his statement at paragraph 8 where he had mentioned that the man he arrested for possession of an unlicensed firearm was Lerull Rankow. He later identified accused one in court as being the one he had arrested.
- [34] He stated that his colleague, namely Bonginkosi Ngcobo searched another man and found some drugs and live ammunition in his possession. Twenty mandrax drugs were found, as well as 15 rounds for 357 Magnum revolver and one round of a 9mm pistol. There were also other four rounds of a .38 special revolver.
- [35] The suspects were arrested and taken to the police station.
- [36] This witness explained why he had scratched out the name of Garth Van Wyk in his statement, as he had mixed up the names of the suspects.

- [37] This witness stated that when he approached accused one to search the house, accused one never asked him for a search warrant. This witness admitted he did not have a search warrant because to get one would have delayed the whole process and the accused may have shifted from this address.
- [38] He stated after arresting the accused they went to Langlaagte Police Station. He also did not assault any of the accused.
- [39] This witness stated he did not know the accused prior to their arrest and would never have driven to 33 Keiskama Street, Riverlea, unless he had received a tip-off.
- [40] During cross-examination, this witness stated that the anonymous tip-off came through on Linda Shabangu`s personal phone. It took them 15 minutes to get to this address. He repeated that he found the firearm on accused one and arrested him. His colleague arrested accused two. The rights of both accused were read at the scene when they were arrested and again in the cells at Langlaagte Police Station. He read the rights to accused one who signed that he understood. He maintained his version that he never assaulted accused one.
- [41] He stated when they got to the premises only accused one and two were there. There were no other people. Backup police officers may have arrived later.
- [42] This witness denied the accused`s version that the police jumped over the wall and broke the lock. He denied putting accused one and two into the kitchen. He denied assaulting any of the accused or Takir. He denied putting firearms into the mouths of the accused or putting plastics bags over their heads.
- [43] He denied driving the accused to South Hills or picking up another male who was wearing a red shirt. He took the accused directly to Langlaagte Police Station. He never drove the accused to a broken down house.
- [44] Exhibit "J" was shown to this witness. This is a photo which was posted on Facebook which has the date 31 May 2023. This witness could not comment on this post. This witness also had no knowledge of a third person that was allegedly also arrested and who is mentioned in the Facebook post.
- [45] This suspect was shown photo 10 on Exhibit "J" but he disagreed that it shows injuries on accused one`s face. He stated accused might have had a pimple on his head and ulcers on his mouth.

[46] This witness also stated that he did not have knowledge of the shooting that had occurred on 26 May 2023 when he arrested the accused.

[47] He stated that even though he did not have a search warrant the accused opened up and consented to the search.

***Linda Shabangu***

[48] This witness stated that she is a metro police officer with 6 years experience.

[49] She stated that on 30 May 2023 she was on duty with Tshediso Nukeri and Bonginkosi Ngcobo. They received information and proceeded to 33 Keiskama Street. They knocked on the door and a coloured male namely accused one opened the door. Mr Nukeri searched the first suspect namely accused one and found a firearm on his waist. It was a 357 revolver. The suspect was arrested. Officer Ngcobo then searched the second suspect namely accused two and found a pocket of Mandrax drugs and two firearm magazines. The second suspect was then arrested. They then proceeded to Langlaagte Police Station to detain the suspects. The second suspect was also in possession of ammunition in his left pocket together with the tablets. The magazines were in his right pocket.

[50] This witness knew accused one prior to the arrest. She knew his nickname was Fish. She did not know accused two prior to the arrest.

[51] She stated that she did not go to this address the previous day.

[52] She stated no one was arrested in South Hills. She stated she knew of a shooting that had occurred a few days earlier, however she never attended that scene of the shooting and she was also not involved in the investigation of that matter. She did not know who were the suspects in that matter.

[53] She stated she knew accused one for more than five years as they all grew up in Riverlea. She did not know accused two that well.

[54] She denied the version put to her that a firearm was pointed at accused one`s mother, or that accused one and two were taken into the kitchen and beaten and firearms put into their mouths. She denied plastics were put over the heads of accused one and two.

***Affidavit of Devon Joseph***

- [55] The counsel for the State requested to hand in the affidavit of Devon Joseph who had passed away.
- [56] This court was satisfied that the requirements of S3(1)(c) of the Law of Evidence Amendment Act 45 of 1988 was met. The affidavit was handed in marked as Exhibit "L".
- [57] The affidavit refers to the date of 2 February 2023 and not 26 May 2023. However, the description of the events clearly refers to the evening of 26 May 2023 in that this witness stated in his affidavit that he saw a white Volkswagen driving slowly in front of Renaldo's place with three occupants. Both windows of the left front and back passenger's windows were open and both passengers on the left side of the vehicle were firing shots towards Renaldo's place. Renaldo and Kappie were found lying on the floor. This witness wanted to take Kappie and Celine Hendriks to the hospital.
- [58] Apart from the incorrect date reflected on this affidavit the rest of the evidence, apart from the number of occupants in the white Volkswagen Jetta, corroborates the evidence of Selwyn Jantjies.

***Desmond Spies***

- [59] This witness stated that on 26 May 2023 at 19h30 he was at his shop in 925 Couga Street, Riverlea, extension 1. Whilst there, he received a call from his wife that there had been a shooting at his house. It took him two minutes to get to his house. When he arrived he saw that his son Renaldo Spies, Celine Hendriks and Kappie had been shot. The three victims were taken to the Garden City Clinic. The next day Selwyn Jantjies phoned him to tell him what had happened. Selwyn Jantjies told him he had seen a white car driven by De Wyn passing in front of the house where Renaldo was and that there were four occupants, namely Lerull Rankow, Garth Van Wyk and a fourth suspect unknown to Selwyn. When the car came back from the side of Buffels Street the two passengers on the left side of the car started shooting towards the garage.
- [60] This witness downloaded video footage and gave it to the police. He stated that all the lights were functioning at his house, including the two flood lights on Buffels Street and the flood light above his garage.
- [61] On the following day, the white Volkswagen Jetta was found abandoned and parked at the Sasol Garage.

- [62] This witness stated he knew accused one as he used to be a football player and who trained with this witness` football team. This witness stated he knows accused two as accused two`s family is well known to him and accused two lived 7 houses from his house.
- [63] This witness had no idea why his son, Kappie and Celine were shot. This witness was aware that both accused are members of a gang called the "Varados".
- [64] This witness stated that the previous investigating officer; namely detective Morris was given all the statements. Detective Morris passed away and detective Brand took over the investigation. Detective Brand informed him that all previous statements taken by detective Morris were not in the docket. As a result, arrangements were made with defective Brand to re- take the statements.
- [65] This witness denied he promoted Mr Selwyn Jantjies purely so that Mr Jantjies could come and testify and place the two accused at the scene of the shooting.
- [66] This witness impressed this court.
- [67] This ended the evidence of the State.

***Accused one***

- [68] Accused one testified he was never near the scene of the murder on 26 May 2023.
- [69] He stated that on 30 May 2023 he was at home chilling at 30 Keiskama Street. Takir, Lorenzo, Garth (accused two), Dylan, Richard, Xzonavan (deceased) and Sydney (deceased) arrived. They then moved to 32 Keiskama Street. They were smoking a hooken pipe. The police arrived and jumped over the walls. The time was 12h00. He was at the back yard. He was taken into the kitchen. The police assaulted accused 2, they then turned the attention to him. A firearm was produced and placed before him by Officer Nukeri. He had no knowledge of this firearm. The officer then started putting plastic over his head. They then put water in the plastic and covered his face.
- [70] He stated that at 32 Keiskama Street the police took photos of accused two and himself.
- [71] He stated that after accused two and himself were arrested the police drove to South Hills where another accused was arrested for possession of a firearm. This man that was arrested was also taken to Langlaagte Police Station. It took approximately 30 to 40 minutes to drive from Riverlea to South Hills. He did not know the area where they were

taken to the abandoned house. They were blindfolded at the abandoned house. He was then beaten in his ribs and shoulders. He was then hung upside down. The police were continually asking him about the murder.

- [72] He stated he was informed of his rights at the Brixton cells. He stated that after he was detained at Sophiatown an identification parade was held. Celine Hendriks, Selwyn Jantjies and Boete attended the identification parade. Detective Morris was in charge of the identification parade and when none of the witnesses pointed him out, detective Morris asked him to confess to the murder.
- [73] He stated he knows nothing of the murder that took place on 26 May 2023 as he was at home chilling.
- [74] During cross- examination, accused one stated that the white Jetta on photo iii of Exhibit "P", is not Devane De Suza`s car as the mags on Devane De Suza`s car were different. He did agree that the windows of the car on exhibit P were not tinted, which is similar to Devane`s car.
- [75] He admitted he is known as "Fish" in Riverlea and that accused two is known as Garth. He grew up with accused two and spends time with him everyday. He admitted that both himself and accused two belonged to the gang called "Varados", since 2019. He stated the gang that is in conflict with his gang is called the "Fastguns". He stated that his role in the gang is to distribute drugs and make sure the money is cashed in.
- [76] He stated he knew Selwyn Jantjies as he would sell drugs to him and all is well between the two of them. Selwyn Jantjies would also buy drugs from accused two.
- [77] He stated he lived 3 houses away from where the shooting occurred on 26 May 2023 and he heard the gun shots on this day. He alleges he heard about the shooting the next day. On the day of the shooting he was at home.
- [78] He admitted he was arrested a few days after this shooting took place. He stated that he and Garth were arrested because they belong to the gang called "Varados". He stated that the items depicted on exhibit "J", namely, the firearm, the bullets, the magazine and drugs were at the address where he was arrested, but the items did not belong to him. He stated there were lots of people who had access to that house. Yet, when he was asked to whom the items found at the house could have belonged to, no answer was given. No logical answer apart from accused one and two belonging to a gang was given as to why out of all the people in the house, they alone were arrested.

[79] Accused one stated that he would call his mother as a witness as he was home on the night of the shooting as his life is always in danger. His complete version as to all the charges was a complete denial.

***Veronica Anthony***

[80] This witness stated that she is accused one`s mother. She knew that accused two is her son`s friend.

[81] She stated that on 26 May 2023 accused one was at her house which is situated at 30 Keiskama Street.

[82] She stated she had been at church that day and returned at five pm. Accused one was playing on the play station in the sitting room.

[83] Later she washed her hair and finished preparing to go out at around ten past seven in the evening to the church. At this stage accused one and his sister were in the house. She left to go to the church fundraiser at half past seven.

[84] She stated she knew where Mr Spies lived and it would take around five minutes to drive there from her house.

[85] She stated that between quarter past seven to half past seven, accused one was in the house and that is when she heard gun shots. Accused one even ran to go and check on a child in the bedroom.

[86] On 30 May 2023 the police entered into her yard. She asked the police if they had a search warrant but they replied they did not need one. One of the officers then jumped over the wall into 32 Keiskama Street. She stated it was the first metro police officer that testified, namely, officer Nukeri. She then heard the boys screaming next door.

[87] She stated that she has never seen any firearms in her house.

[88] She knew the deceased Renaldo as she would often pass his house and he would greet her. She was not aware of any problems between her son and Renaldo.

[89] This completed the evidence for accused one.

**Accused two**

- [90] This accused stated that he knew nothing of the murder and that on that evening he was at home smoking and seated with his friends, namely, Dylan, Takir and Nonies.
- [91] He stated that on 30 May 2023 he was at 32 Keiskama Street with Dylan, Takir, Lorenzo and the owner of that house, namely, Odi and her husband Bosch.
- [92] They were sitting eating in the yard. People jumped over the wall, they asked him about firearms, ammunition and the murder that had been committed. He stated he did not know who killed Renaldo. He was then assaulted together with accused one. Plastics were put over their faces and firearms were pushed into their mouths. He stated that he was shown a firearm at Langlaagte Police Station as well as magazines and ammunition.
- [93] They were then arrested and taken to South Hills where the officers arrested someone who was in possession of a firearm. From South Hills they were taken to the abandoned house. Inside the abandoned house they were assaulted again and were asked questions pertaining to the firearm and the murder. The van then took them to Brixton SAPS.
- [94] This accused also stated only accused one was taken to the identification parade.
- [95] He admitted he was born and was raised in Riverlea. He did move out temporarily from Riverlea to Boksburg, but returned.
- [96] He stated that he did have interactions with Selwyn Jantjies once or twice over a period of two years. He also would see Renaldo and greet him.
- [97] The day that he was arrested the officers asked who was Garth and he replied it was him.

**Taelon Reyneke**

- [98] Accused two called a witness namely Taelon Reyneke who stated that between five and ten pm they were sitting in the yard and chilling. It was Takas, Garth (accused two), Erven, Richard, Sandro and Mpho. Accused two was in the living room.
- [99] Gunshots were heard and everyone wondered where they were coming from.

[100] As regards the events of 30 May 2023, this witness stated that police jumped over the wall and assaulted Dylan and Sandro. He then heard Garth and Fish screaming. The police then assaulted everyone in the garden.

[101] He saw that Mandrax was found in the house.

### ***Sergeant Albert Brand***

[102] This witness stated that he was the current investigating officer. The defence advocate called the investigating officer to clear up certain aspects that were unclear.

[103] He stated that the initial investigating officer in respect to the murder docket was warrant officer Morris. He took over the investigation on January 2024.

[104] He stated that according to him no identification parade was held.

[105] He added that he had to retake some of the statements that were missing in the docket.

[106] He stated that Mr Selwyn Jantjies pointed out accused one and two but not at an identification parade. According to the investigating officer a formal identification parade was never conducted. He stated that there would effectively be no need to have a formal identification parade as Selwyn Jantjies knew both accused one and two prior to the shooting that occurred on 26 May 2023.

[107] This investigating officer stated he re-took the statement of Selwyn Jantjies as it was no longer in the docket.

[108] This ended the evidence of the defence.

### ***Evaluation Identification***

[109] In the matter of *S v Mazibuko & Others*<sup>1</sup>, the court held that:

“Two cautionary rules were applicable in this matter-

- (a) single witness evidence and (b) identification evidence. Cautionary rules require of the trier of facts to approach with caution the evidence of a single witness and evidence of identification. Cautionary rule in respect of single witness evidence is aimed at reducing the risk of a wrong conviction. It must be highlighted that the exercise of caution did not denote that a conviction based on the evidence of a single, competent, credible and reliable witness cannot be secured;

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<sup>1</sup> *S v Mazibuko* 2023 ZAGPJHC648 para 242- 243

on the contrary, section 208 of the CPA can serve as a tool to secure a conviction. Where the State was reliant on the evidence of a single witness, a final evaluation is rarely made without considering whether or not such evidence was consistent with the probabilities in the case.

Similarly, the correct approach to the evidence of identification is to treat it with caution. And it is subjected to a close and careful scrutiny for its reliability due to the fallibility of human observation and memory. Therefore, reliability of identification evidence must be tested against facts such as lighting, visibility, proximity and opportunity for observation, the identifying witness's degree of attention, the circumstances prevailing at the time of the incident, the length of time the crime took. This is not a closed list. A careful examination of circumstances under which the identification was made taking into account all the evidence holistically is the correct approach. A trier of facts should be mindful that the honesty and conviction of an identifying witness should not displace or influence the separate investigation into the reliability of the identification by that witness. The probative value of any subjective identification will of course depend upon all the surrounding circumstances and each case has to be decided on its merits."

[110] In the matter of *S v Vika*<sup>2</sup> the court stated the following principle:

The court found that discrepancies between eyewitness testimony and CCTV footage must be scrutinized closely. Where the video does not show what the witness claims, and the witness cannot be cross-examined or clarifies inconsistencies, the court may find the witness's reliability questionable.

[111] Mr Selwyn Jantjies is the only witness which the state called with regards to the identification of the alleged suspects. Accordingly, his evidence amounts to single witness testimony.

[112] In considering the evidence of Mr Selwyn Jantjies, this court has considered whether there are major contradictions in his evidence and whether he had a motive to falsely implicate the two accused. From his evidence as well as the evidence of accused one and two there appears no motive for Mr Selwyn Jantjies to falsely implicate the two accused.

[113] Throughout his testimony the witness was unwavering in his evidence and was clear that he knew the accused and was certain on what he saw. He was called to identify who Fish and Garth was at the instance of the prosecutors. He was consistent and he was clear on the reasons why he was never called for an identification parade. He knew

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<sup>2</sup> *S v Vika* 2015(1) SACR 246 (ECG)

the accused, so there was no reason for him to be at an identification parade. If such a parade was to be held as suggested, he was going to point out the accused.

- [114] The evidence of Mr Jantjies on identification is that he knows all three occupants of the vehicle, he knows them by name, the driver De Wyn, accused 1 as "Fish" and accused 2 as "Garth" He knows the accused for a long time, and he is a client of both of them. He knows where they stay and was able to see and identify all of them in the car before the shooting occurred.
- [115] Mr Jantjies reported the shooting to Mr Spies and told him and the police as to who he saw and identified them as the shooters the following day. The reporting of the incident and the consistency of his version must be considered as corroborative.
- [116] The court has looked at all the evidence in its totality, the witness` mannerism, his demeanour, ability to recollect, comprehend and ability to narrate.
- [117] This witness impressed this court. Even though he was a single witness, he was a credible, competent and a convincing witness.
- [118] As regards the lighting on the street, even if the street light was not working, it is clear from Exhibit "N" that there 3 lights that omit strong light onto the road in front of the garage. These 3 lights are affixed to the house of Mr Spies. One light is affixed above the garage door, projecting light into the street, directly in front of the garage, and the other two lights are affixed to the roof of the house. These two lights projected light at the corner of Mr. Spies` property. Mr Selwyn Jantjies confirmed that all these flood lights were working on the night of the incident.
- [119] The visibility on the scene, the previous knowledge of the accused, the car, the proximity and the duration from the first time he saw the car until the shooting are factors to be taken into consideration. These elements overcome the challenge of reliability and credibility of the witness`s ability to see, identify and relate to the police and Mr Spies as to who he did see and who did what on the scene.
- [120] The evidence of Mr Selwyn Jantjies is clear on the description of how the events unfold, in a movie sequence, who was present, who did what and how the shooting occurred. The video footage presented by the defence confirmed the motion of the car and who it belonged to.

- [121] The lapse of the time between the identification of the accused, their arrest and them being eventually charged for the murder in January 2024, a few months after this witness made a statement to the police, does not have any bearing on Mr Jantjies` evidence. This delay is a lack of commitment and inefficiency on the side of the investigations. There is nothing that Mr Jantjies could have done beyond him giving his statement when he was asked to do so
- [122] Mr Selwyn Jantjies was clear and satisfactory in every material respect. Mr Jantjies proved to have known the car, the owner of the car, the accused and truthfully excluded the fourth person he could not identify. He was advantaged by proximity, visibility and opportunity for observation. He was advantaged to see the car for the second time when it came back as the shooting occurred.
- [123] Even though there may be some shortcomings in his evidence as to why he could not be seen on the video footage, despite this, this court is convinced of the truthfulness of this evidence.

#### ***Corroboration amongst state witnesses***

- [124] Selwyn Jantjies mentioned there was a light above the garage that shone light into the street in front of the garage. This is clearly seen on the photos reflected on exhibit "N" photos N2 and N4. The affidavit of Devon Joseph confirms the evidence of Selwyn Jantjies that there were lights emitting sufficient light at the scene of the shooting. So does the evidence of Mr Spies corroborate the evidence of Selwyn Jantjies that his flood light lit up the area in front of the garage.
- [125] Linda Shabangu corroborated Tshediso Nukeri in the following respects:
- (a) That neither of them knew who the suspects were involved in the shooting that had occurred on 26 May 2023.
  - (b) That accused one consented to being searched after officer Nukeri knocked at the door.
  - (c) That officer Nukeri found a firearm in the possession of accused one on his waist.
  - (d) That they were the only officers who arrived at the scene.
  - (e) That after the accused were arrested they did not drive to South Hills, they went directly to Langlaagte Police Station and not to an abandoned house.
  - (f) That the accused signed their notice of rights after the docket was opened.

- (g) That two magazines, ammunition and drugs were found in the possession of accused two when officer Ngcobo searched accused two.
- (h) Neither could comment on the veracity of the photos that were included in exhibit "J". Officer Shabangu did however confirm that the third photo on exhibit "J" depicted the items found in the possession of both accused. Officer Shabangu also confirmed that one of the photos of both accused on Exhibit "J" was taken at 33 Keiskama Street.
- (i) That no one assaulted either of the accused when they were arrested. That no firearm were put into the mouths of the accused or plastics placed over their heads.
- (j) That they did not go to 33 Keiskame on 29 May 2023.
- (k) That neither officer Nukeri or officer Shabangu saw no visible marks depicting injuries on accused one as suggested by the defence in respect to photo 10 of exhibit "J". It is true that these two state witnesses refer to 33 Keiskama Street, whereas both accused refer to 32 Keiskama Street. However, neither the state nor defence cleared this up.

[126] Both the witnesses officer Nukeri and officer Shabangu impressed this court. It is clear that they had no reason to falsely implicate the accused. Had there been a reason, such reason would have been put to them by the defence. Yet no such reason materialised. Accordingly, this court accepts their version as correct and that they were both credible witnesses.

[127] The accused testified in their case denying their involvement in the shooting and how they were arrested. They called witnesses in what they deemed to be evidence of an alibi and the facts on how they were arrested for the possession of the firearms, the ammunition and the drugs.

[128] It is trite in a criminal case the State bears the onus to prove the guilt of the accused beyond reasonable doubt. There is no onus on the part of the accused to prove his innocence or convince the court of the truthfulness of his explanation.

[129] In considering whether the version of an accused is beyond reasonable doubt, a court must look at the evidence presented both in the state and defence case and the probabilities emerging from the case as a whole.

**Probabilities**

- [130] The defence handed up photos of a post made on Facebook by the Suburban Control Centre. Officer Nukeri and Officer Shabangu had no knowledge of the photos placed on Facebook. The defence also did not call anyone from the Suburban Control Centre to prove the authenticity of these posts. As a result, this court cannot place any evidential value on these posts and there is a probability that they may have been mistakenly contrived. No one was also called by the defence to show the author or veracity of the photos referred to in Exhibit "J", accordingly this court places very little value on them.
- [131] The version put to Selwyn Jantjies that he couldn't see the occupants of the white Volkswagen Jetta, or that the occupants of this car could have been replaced with other occupants when the car returned is improbable and not reasonably possibly true. The period in which the car drove past for the first time and when it returned was too short.
- [132] The version put to Mr Spies that it is due to the promotion that Mr Selwyn Jantjies received that Mr Jantjies testified in favour of Mr Spies is rejected as false and not reasonably possible true. Mr Selwyn Jantjies at the time he testified had long left the employment of Mr Spies. As a result, there was no more a reason for him to testify in favour of Mr Spies.
- [133] The version of accused one, that an identification parade was held after he was detained in Sophiatown is rejected as false and not reasonably possibly true for the following reasons:
- (a) There is no identification parade form on the docket. The attorney who represented the accused at the identification parade was also not called.
  - (b) Selwyn Jantjies identified he never attended an identification parade.
  - (c) Celine Hendriks was never questioned as to whether she had attended an identifications parade.
  - (d) Accused one states Celine Hendriks, Selwyn Jantjies and Boete were at the identification parade, yet at the same time he states he was behind a glass and could not see who the witnesses were. This version was never put the Celine or Selwyn Jantjies when they were called in the states case. This version is clearly a fabrication that arose in the defence`s case.
  - (e) Although there is an entry on the SAPD 10 Exhibit "S" that accused one was booked out for an identification parade, there is no reference for what case he was booked out for. As a result, it could have been for another case.

(f) In addition, as per accused one's version why was he the only one put on an identification parade when two accused was also arrested. This doesn't make sense

[134] Accused one states that he and accused two were arrested because they belong to the gang called Verados. This gang surely consists of more members than just accused one and two. No explanation was given why no other members of the Verados gang were arrested. In addition, on 30 May 2023, accused one states he and accused two were not the only people present at that house. Yet, once again, no explanation is given why Odi, who is the owner of that house was not arrested, or any of the other men in that yard. It is more probable that accused one and two were arrested because accused one was indeed in possession of the ammunition, magazine and drugs. The gang called Verados is not the only gang in that area, yet, there is no explanation why no one from the gang called Fastguns were arrested.

[135] Accused one has known Selwyn Jantjies since 2021 as he used to sell drugs to Selwyn Jantjies. At no stage prior to 2023 did Selwyn Jantjies ever have an argument with either accused one or two. There is no reason for Selwyn Jantjies to falsely point out accused one and two as being the ones who drove past and shot.

[136] The version of accused one that officers Nukeri, Shabangu and Ngcobo came to the house to plant firearms is rejected as false.

[137] Accused one's evidence did not impress this court. His version is rejected as false and not reasonably possibly true.

[138] The mother of accused one did not impress this court as it is clear any mother would want to protect her child. The fact is that she stated that accused one never leaves the house, yet at the same stage, she could not vouch that accused one was at home when she left the house. She remembered clearly what occurred on the evening of 26 May 2023 which is more than two years ago, yet she couldn't remember what she did on 6 September 2025.

[139] It is also clear that whilst accused one's mother was testifying the matter was postponed to the next day. At the end of the court session the state advocate saw her talking to the accused one, yet she did not want to divulge what was discussed. Later, during re-examination she stated she merely asked him how he was doing. She however admitted that she sat at court most days of the appearances and heard what the people were

discussing outside. The state asked her: “*was it the people who were sitting in court who came out and discussed with you?*”, to which she replied “yes”.

- [140] The most serious aspect of the mother of accused one is that she stated she was sitting in court when Selwyn Jantjies testified. She accordingly heard his evidence in chief as well as the cross- examination. This has created the impression to the court that she narrated what occurred on 26 May 2023 as she heard Selwyn Jantjies` evidence and accordingly adjusted her evidence to protect accused one. As a result, this court has approached her evidence with extreme caution.
- [141] Accused one and two were very evasive when asked whether the car on photo 3 of Exhibit “B” belonged to Devane. They clearly know Devane and their evasiveness in identifying this vehicle is probably due to their attempt not to incriminate themselves further. Accused two`s version of not even knowing who Devane is, is rejected as false and not reasonably possibly true. Accused two is part of a gang and he was born and grew up in Riverlea. Accused two went far to mention that there is a person who is called “Jovies” who drives a vehicle similar to the one on photo 3 of Exhibit “B”, yet he never called this person to confirm that.
- [142] A major contradiction appeared when accused one testified. According to the evidence of accused one, the officers arrested both accused one and two as they belonged to the gang called “Verados”. However, accused two testified that he did not belong to the Verados. Accordingly, the version of accused one that they were arrested merely because they were part of a gang is once again rejected as false.
- [143] It is clear that accused two did know Selwyn Jantjies, yet it is evident that there were no grudges between them. As a result, there is no reason for Selwyn Jantjies to have incriminated accused two as well.
- [144] A further major contradiction appeared between the version of events as set out by accused one as opposed to the version of events set out by accused two. This related to Exhibit “J” and the photo of the alleged man who was arrested in South Hills. Accused two`s version is that he never saw this man being arrested at South Hills. He only saw him at the police station. Accordingly, this version of going to South Hills is a complete fabrication and the court rejects it as false and not reasonably possibly true. In fact, accused two stated he did not even see the face of this man clearly.

[145] Taelon Reyneke states that when the police jumped over the wall on 30 May 2023, everyone in the yard were assaulted. Yet up to this day, neither, Dylan, Sandro, accused one or two have ever opened up a charge of assault against either officers Nukeri, Shabangu or Ngcobo. As a result, this version of Taelon Reyneke is rejected as false and not reasonably possibly true.

[146] Taelon Reyneke did not impress this court. This court finds it unlikely that he was in the company of accused two on 26 May 2023. He states he heard shots while he was in the company of accused two but it did not even perturb him to find out where the shots were coming from. No specific time was given by Taelon Reyneke as to when these shots were fired which suggests he did not even hear these shots being fired. In addition, it is common cause that this witness did not even make a statement exculpating accused two. He was merely called during the defence`s case and it is clear to this court he was told what to say. This court adds further that it is clear he was told to fabricate evidence because from his evidence alone, he knows everything of the photos of accused one and two circulating in the public media and that they were allegedly taken to South Hills and assaulted. He would never have known the accused were allegedly taken to South Hills unless he was told as it is clear he was not present when the accused were allegedly taken to South Hills. It is further clear to this court that it is aunty Fats who is accused one`s mother who asked Taelon Rayneke to come and testify and as stated previously, accused one`s mother was present during the entire evidence and cross- examination of Selwyn Jantjies and that she was able to coach Taelon Rayneke what to say.

[147] It is true that there are contradictions amongst the state witnesses. This court will deal with these contradictions.

### ***Contradictions amongst state witnesses***

[148] Celine Hendriks stated no one entered or left the garage when she was there. It is clear that Selwyn Jantjies states he left when Celine arrived. This court does not regard this as material as Selwyn Jantjies was at these premises before Celine arrived. Celine may not have noticed Selwyn Jantjies leaving.

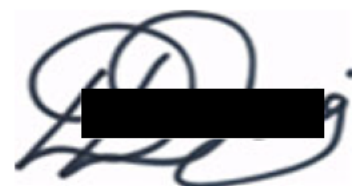
[149] Celine states she arrived at the house of Renaldo at six in the evening, whereas Selwyn Jantjies states she arrived around 19h15 to 19h30.

- [150] Celine states she arrived with Wawa and she found Renaldo and Kappie already in the garage. Selwyn Jantjies stated that Celine, Wawa and Kappie all arrived at the same time.
- [151] Selwyn Jantjies stated he saw four occupants in the white Volkswagen Jetta, yet, the affidavit of Devon Josef mentions only three occupants.
- [152] Mr Spies says the street light in front of his garage was working on the evening of the shooting. It is clear from the notes presented in court that this street light was not working.
- [153] Apart from these contradictions, this court is still convinced that it is these two accused who drove past on 26 May 2023 and shot Renaldo and Kappie.

### ***Findings***

- [154] This court is satisfied that accused one and two were in the white Volkswagen Jetta on 26 May 2023 and that it was them who fired the shots that killed Ashley Ricardo Kelly (count one), Renaldo Deago Spies (count two) and injured Celine Lauren Hendriks (count 3). The injuries to Ms Hendriks were gun shot wounds to her right leg and right upper abdomen. It is clear that these injuries could have killed this witness.
- [155] Accordingly, in respect to count one and two, both accused are found guilty of premeditated murder, and attempted murder on count three.
- [156] As regard counts four and five, the situation is somewhat different. Firstly, the charge sheet in respect to counts four and five refer to the date of 26 May 2023 and not 30 May 2023 where the accused were allegedly found in possession of this firearm, ammunition, magazines and drugs. No evidence was led to prove that these items amounted to a working firearm, live ammunition, a working magazine or what type of drugs it was. The address in respect to counts 4 and 5 also refer to count 1 which is Buffels Street, and not 33 Keiskama Street.
- [157] In relation to Count 4 and in respect to Accused two specifically, no evidence was led on behalf of the State to prove that Accused two was in possession or joint possession or had any knowledge of the said unlicensed firearm allegedly found in the possession of accused one. This is due to the insufficient investigation and that the firearm was not sent for a ballistic report.

- [158] In relation to Count 5 and Accused one specifically, no evidence was led on behalf of the State to prove that Accused one was in possession or joint possession or had any knowledge of the said ammunition, magazines or drugs found in possession of accused two. Once again there was insufficient investigation in respect to this charge.
- [159] No amendment in terms of section 86 of the Criminal Procedure Act was brought to amend the date in respect of counts four and five, or the place.
- [160] Even if this court cured this in terms of section 88 of the Criminal Procedure Act, it would still not cure the fact that the items retrieved by the officers on 30 May 2023 were not sent for ballistic analyses.
- [161] Accordingly, in respect to counts four and five the accused are acquitted.

A handwritten signature in blue ink, appearing to be 'D Dosio', with a black rectangular redaction box covering the middle portion of the signature.

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D DOSIO  
JUDGE OF THE HIGH COURT  
JOHANNESBURG

APPEARANCES

ON BEHALF OF ACCUSED:

Adv. Mentjies (for accused 1 and 2)

ON BEHALF OF THE STATE:

Adv. J Masina

Instructed by the Office of the National

Director of Public Prosecutions, Johannesburg