



**IN THE HIGH COURT OF SOUTH AFRICA
FREE STATE DIVISION, BLOEMFONTEIN**

Reportable

Case no: A80/2025

In the matter between:

LAWRENCE LETHATA

APPELLANT

and

THE STATE

RESPONDENT

Neutral citation: *Lethata v The State* (A80/2025) [2026] ZAFSHC 23 (23 January 2026)

Coram: REINDERS *et* OPPERMAN JJ

Heard: 19 January 2026

Delivered: This judgment was handed down electronically by circulation to the parties' representatives by email and released to SAFLII. The date and time for hand-down is deemed to be 16h00 on 23 January 2026.

Summary: Criminal appeal – sentence – rape – attack on the victim by the appellant whilst out on parole for conviction of attempted murder on same victim – domestic violence and infliction of grievous bodily harm.

ORDER

1 The appeal is dismissed.

2 The Registrar of this Court is directed to forward a copy of this judgment to the Department of Correctional Services for inclusion in the appellant's correctional records. The victim in this matter is to be notified of any consideration of parole in respect of the appellant by the Department of Correctional Services.

JUDGMENT

Opperman J (Reinders J concurring)

[1] The criminal justice system afforded the complainant protection in this matter by the appellant's conviction on a charge of attempted murder, arising from an assault committed with the requisite intent to kill. The appellant was convicted on 3 July 2018 of attempted murder on BP M, the mother of his child.

[2] He was sentenced to eight years' imprisonment and was released on parole in September 2022. On 1 October 2023, while on parole, he again attacked the complainant. He stalked her, unlawfully entered her home by breaking windows and a door, stabbed her, stole R600, stabbed her partner, abducted the complainant, and raped her. She had to be rescued from his residence the following morning.

[3] The appellant was sentenced to life imprisonment for the rape in terms of s 51(1) of the Criminal Law Amendment Act 105 of 1997 (Minimum Sentences Act). The appeal is directed against this sentence only. The Minimum Sentences Act is applicable because the rape occurred where the complainant was in a domestic

relationship with the appellant, as defined in s 1 of the Domestic Violence Act 116 of 1998, and involved the infliction of grievous bodily harm.

[4] Before sentence, the prosecutor submitted the victim impact statement of the complainant, 29 years of age, in which she described her experience as follows:

‘Before this incident my life was beginning to shape up and become normal as the accused was in prison for four years. Everything was going well; I got married and I had one child. I was happy, but all of that changed. I was shocked when I saw the accused that day. I had never seen such anger in a person before. I thought that he was going to kill me.

This incident took me back to a previous traumatic experience. I was reliving my worst nightmare. I now do not trust men and I am constantly afraid of them. I drink excessively to forget what happened. I have suicidal thoughts because I feel robbed of my life and dignity. I suffer from low self-esteem, and I feel ashamed and embarrassed. I cannot walk freely in the streets, nor feel safe in my own home. I live in constant fear. I am deeply grieved because this incident has changed my life forever.

It has affected my relationship with my older child. At times, I wish he were not his child. My life is just a mess, and I feel robbed of peace and the will to live. I am deeply hurt and aggrieved.’

[5] The appellant pleaded guilty¹ and his counsel placed factors in mitigation on record. He claimed remorse due to his plea of guilty. The prosecutor emphasised that the evidence against him was overwhelming and that he would not have been able

¹ He was convicted and sentenced as follows:

‘Count 1: Housebreaking with the intent to commit a crime unknown to the State:
Sentence: In terms of s 276(1)(b) of the Criminal Procedure Act 51 of 1977 (CPA) to four years’ imprisonment.

Count 2: Rape in contravention of s 3 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 read with s 51(1) of the Minimum Sentences Act.
Sentence: Life imprisonment.

Count 3: Robbery with aggravating circumstances.
Sentence: In terms of the s 51(2) of the Minimum Sentences Act the appellant was sentenced to fifteen years’ imprisonment.

Count 4. Assault with intent to do grievous bodily harm.
Sentence: In terms of s 276(1)(b) of the Criminal Procedure Act 51 of 1977 to seven years’ imprisonment. In terms of s 280 of the CPA, it was ordered that the sentences on counts 1, 3 and 4 shall run concurrently. No order was made in terms of s 103(1) of the Firearms Control Act 60 of 2000.’

to defend the charges. The appellant failed to disclose that he was on parole when committing the offence. He sought mitigation on the basis of being the father of two minor children. He also claimed that he had been incarcerated pending the finalisation of the matter, although he was, in fact, on parole and had contravened its conditions. He was incarcerated as a sentenced prisoner. He further indicated that he was under the influence of alcohol and requested that the sentence not exceed 15 years' imprisonment.

[6] In his notice of appeal, the appellant submitted, *inter alia*, that life imprisonment was 'strikingly inappropriate,' 'out of proportion to the totality of the accepted facts in mitigation,' 'excessive,' and 'induces a sense of shock.' He contended that the court erred in not imposing a lesser sentence having regard to his personal circumstances; the element of rehabilitation; his guilty plea and full disclosure; his claimed remorse; sparing the complainant the trauma of testifying at trial; and being in custody since his arrest. He further alleged that the court over-emphasised the seriousness of the offence, the interests of society, the effect on the complainant, deterrence, and retribution. He requested that the Court find compelling and substantial circumstances to deviate from the prescribed minimum sentence.

[7] There is, however, no basis for interference in this matter. No sentence other than life imprisonment could reasonably have been imposed. The appellant's suggestion that the sentence is disproportionate, excessive, or shocking is wholly without merit.

[8] The court *a quo* correctly observed that, at the age of 34, the appellant demonstrates little, if any, prospect of rehabilitation. He shows no regard for the law and poses a continuing danger to society, particularly to women.

[9] This case underscores the devastating impact of femicide and violence against women, reflecting a broader national crisis.

Order

[10] In the result, the following is ordered:

- 1 The appeal is dismissed.
- 2 The Registrar of this Court is directed to forward a copy of this judgment to the Department of Correctional Services for inclusion in the appellant's correctional records. The victim in this matter is to be notified of any consideration of parole in respect of the appellant by the Department of Correctional Services.



M L OPPERMAN

JUDGE OF THE HIGH COURT

I concur and it is so ordered.



C REINDERS

JUDGE OF THE HIGH COURT

Appearances

For the appellant:

S Kruger

Instructed by:

Legal-Aid South Africa, Bloemfontein

For the respondent:

J W Roothman

Instructed by:

Director of Public Prosecutions, Bloemfontein.