

REPUBLIC OF SOUTH AFRICA



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

CASE NUMBER: SS39/2025

(1) REPORTABLE: NO

(2) OF INTEREST TO OTHER JUDGES: NO

(3) REVISED

DATE 06 March 2026

SIGNATURE

In the matter between:

THE STATE

and

RANKOW LERULL DONEL

Accused 1

VAN WYK GARTH LAWRENCE

Accused 2

JUDGMENT

DOSIO J:***Sentence***

- [1] The accused have been found guilty of the following offences:
- (a) Count one- murder read with the provisions of s51(1) of the Criminal Law Amendment Act 105 of 1997 ('Act 105 of 1997')
 - (b) Count two- murder read with the provisions of s51(1) of Act 105 of 1997.
 - (c) Count three- attempted murder.
- [2] For purposes of sentence, this court has taken into consideration the personal circumstances of the accused, the seriousness of the offences for which they have been found guilty and the interests of the community.

Personal circumstances***Accused one***

- [3] A pre- sentence report was compiled in respect to accused one. His personal circumstances are as follows:
- (a) Accused one was born on 27 February 1997 and is 29 years old. He is the third born of four children.
 - (b) His father passed away in 2009 when he was 12 years old. He was subsequently raised by his mother who relied only on a child support grant of three children.
 - (c) Five years after his father's passing he started developing anger issues and financial constraints which led him to selling drugs.
 - (d) His mother passed away in 2018, and he was supported by his aunt.
 - (e) In December 2018 he earned an income weekly of between R10 000 to R15 000 selling drugs. He was sixteen years old at this time. He also joined the gang called the Verados in December 2018.
 - (f) Accused one commenced his formal education in 2003 at Riverlea Primary School, where he completed grade one to grade seven. He completed grade eight to nine at Riverlea High School. He did not complete grade ten.
 - (g) At age sixteen he started smoking marijuana and at age eighteen he started drinking alcohol.

- (h) Although the accused has no previous convictions, he has a history of engaging with the justice system, which includes a charge of assault with intent to do grievous bodily harm at age fifteen years old, for which he completed a court ordered diversion program.
- (i) The accused pleaded not guilty and did not show any signs of remorse as he disputes the allegations.
- (j) Accused one is unmarried, but was in a relationship with Ms Chloe Miller until they broke up in November 2024. They have a biological child, namely, L[...] R[...], aged five years old. Accused one contributed financially to his daughter's well-being prior to his incarceration.
- (k) In 2023 he was shot in his hip and a plate was inserted. As a result, this causes him back pain when it's cold.

Accused two

- [4] A pre-sentence report was also compiled in respect to accused two. His personal circumstances are as follows:
- (a) He was born on 3 January 1990 and is 36 years old. He is the only child from his mother and second from his father's children.
 - (b) He spent his early developmental years being raised by his maternal grandparents in Riverlea. His father passed on when he was six years old. As a result of his father's passing, he found himself involved in gangsterism.
 - (c) He's grandparents were pensioners and they relied on the accused's maternal uncle's income.
 - (d) His mother married his stepfather in 2003. The accused has had a strained relationship with his mother and stepfather.
 - (e) In 2019 he moved out from his grandparents' home for safety reasons related to gang activities.
 - (f) He stayed at a friend's house who is called Ms Veronica Anthony.
 - (g) The accused started schooling at Riverlea Primary School, and he completed grade one to grade seven. He repeated grade eight and progressed up to grade ten.
 - (h) He dropped out of school in 2009 whilst doing grade ten.
 - (i) He started working at pick n pay as a truck assistant driver between 2016 to 2018 earning R8000 a month. From 2019 to 2020 he was contracted at a construction company earning R900 a week. He lost his job due to his addition to drugs. From 2019 until his arrest, he has been selling drugs on behalf of the gang, called the

Verados, which he joined in 2019. He generated R10 000 daily and off peak he made approximately R3 000 to R4 000 daily.

- (j) In 2008, the accused was injured during a gang related fight and lost his eye. Apart from that his health is good. He started smoking cigarettes and marijuana at age sixteen and also drank alcohol. In 2016, he started using mandrax and crystal meth. He continued the use of drugs in 2019 when he began selling drugs.
- (k) He has no previous convictions.
- (l) Although he is certain that the Verados gang shot at the victims, he maintains he was not present. He has expressed anger for being convicted for a crime he did not commit. As a result, no remorse has been expressed in respect to the families who have lost family members, or to Celine Hendriks who was injured.

Seriousness of the crime

- [5] Both accused were in a vehicle which firstly drove past the garage where the deceased were, in order to scout the area. They then returned and started firing a hail of bullets towards this garage. It is clear there was no regard as to how many people were in that garage and how many people would be injured.
- [6] Both the two deceased were shot in cold blood, and Celine Hendriks was injured by five bullets that penetrated her right leg and right upper abdomen.
- [7] It is clear that the killing of the two deceased, namely, Ashley Ricardo Kelly on count one, and Renaldo Deago Spies on count two must have been extremely traumatic to their respective families.
- [8] An affidavit was handed in by the state which was compiled by the father of the deceased Renaldo Spies. The affidavit, which is compiled by Desmond Leon Spies states that Renaldo was the sole breadwinner of his son, namely Kieran Spies who depended solely on his father. After finishing school, Renaldo Spies became the right-hand man to Desmond Spies's business. Renaldo Spies contributed to the local community of Riverlea by employing people to assist in Desmond Spies's business. The death of Renaldo Spies had a huge impact on the immediate family of the deceased and the community at large. Desmond Spies and his wife have had to now carry the financial burden of looking after and providing for the son of Renaldo Spies, which has also impacted on their social life.

- [9] South Africa has a very high rate of murders which are caused by the use of firearms. No matter how many hefty sentences are imposed, murder continues to prevail.
- [10] The shooting of these three victims took place in a secured environment where they did not pose any threat to accused one or two. On the night of the incident, the victims were all enjoying a peaceful visit at the house of Renaldo Spies. This was an unnecessary killing and injuring of Celine Hendriks. The violent killings that take place by the Verados gang are well-known in the Riverlea community, yet they continue unabated. The crimes for which the accused have been found guilty are prevalent.
- [11] This court cannot only look at the personal circumstances of the accused and overlook the interests of the community.

Interests of the community

- [12] In respect to the interests of the community, this court has taken note of the fact that the community observes the sentences that courts impose, and the community expect that the criminal law be enforced and that offenders be punished. The community must receive some recognition in the sentences the courts imposed, otherwise, the community will take the law into their own hands. If a proper sentence is imposed, it may deter others from committing these crimes. Due to the fact that murder of helpless and innocent victims has reached high levels, the community craves the assistance of the courts.
- [13] In *S v Msimanga and Another*¹, the Appellant Division, as it then was, held that violence in any form is no longer tolerated and our Courts, by imposing heavier sentences, must send out a message both to prospective criminals that their conduct is not to be endured, and to the public that Courts are seriously concerned with the restoration and maintenance of safe living conditions and that the administration of justice must be protected.
- [14] Section 51(3) of Act 105 of 1997 states that if any court referred to in subsection (1) or (2) is satisfied that substantial and compelling circumstances exist which justify the

¹ *S v Msimanga and Another* 2005 (1) SACR 377 (A)

imposition of a lesser sentence than the sentence prescribed in this subsections, it shall enter those circumstances on the record of the proceedings and must thereupon impose such lesser sentence.

[15] Neither of the two accused testified in mitigation of sentence. Although they have a right to maintain their stance of not being guilty, they could have shown some remorse for the trauma the families of the victims and Celine Hendriks experienced. No sign of remorse was shown.

[16] In the matter of *S v Malgas*,² the Supreme Court of Appeal held that: 'if the sentencing court on consideration of the circumstances of the particular case is satisfied that they render the prescribed sentence unjust in that it would be disproportionate to the crime, the criminal and the needs of society, so that an injustice would be done by imposing that sentence, it is entitled to impose a lesser sentence.'³

[17] Section 51 (1) of Act 105 of 1997 dictates that if an accused has been convicted of an offence referred to in part 1 of schedule 2, he shall be sentenced to life imprisonment.

[18] In the matter of *S v Matyityi*,⁴ the Supreme Court of Appeal held that: 'Despite certain limited successes there has been no real let-up in the crime pandemic that engulfs our country. The situation continues to be alarming...one notices all too frequently a willingness on the part of sentencing courts to deviate from the minimum sentences prescribed by the legislature for the flimsiest of reasons... As *Malgas* makes plain courts have a duty, despite any personal doubts about the efficacy of the policy or personal aversion to it, to implement those sentences...Courts are obliged to impose those sentences unless there are truly convincing reasons for departing from them. Courts are not free to subvert the will of the legislature by resort to vague, ill-defined concepts such as 'relative youthfulness' or other equally vague and ill-founded hypotheses that appear to fit the particular sentencing officer's notion of fairness.'⁵

[19] The defence counsel has requested that the following are compelling and substantial circumstances to depart from the minimum prescribed sentence, namely:

(a) both accused are still young,

² *S v Malgas* 2001 (1) SACR 469 SCA

³ Ibid para i

⁴ *S v Matyityi* 2011 (1) SACR 40 SCA

⁵ Ibid para 24

- (b) they have no previous convictions or pending matters, and
- (c) they both have similar backgrounds which caused them to get involved in gangsterism.

- [20] This court has considered the fact that the accused are 27 and 36 years old respectively, however, as stated in the matter *S v Matyiti*⁶, the Supreme Court of Appeal held that ‘at the age of 27 the respondent could hardly be described as a callow youth. At best for him his chronological age was a neutral factor’. As a result, this Court finds there are no substantial and compelling circumstances present in respect to the accused on count one or two that warrants a departure from the prescribed statutory sentence of life imprisonment.
- [21] The accused have been in custody for more than a year, but as stated in the matter of *DPP v Gcwala*⁷, the Supreme Court of Appeal held that the period in detention pre-sentencing is but one of the factors that should be taken into account in determining whether the effective period of imprisonment to be imposed is justified and whether it is proportionate to the crimes committed. It was further stated in this case that the test is not whether on its own that period of detention constitutes a substantial and compelling circumstance, but whether the effective sentence proposed is proportionate to the crimes and whether the sentence in all the circumstances, including the period spent in detention prior to conviction and sentence is a just one. This Court finds the sentence of life imprisonment in respect to count one and two is a just sentence in the circumstances of this case.
- [22] The accused have not played open cards with the court. As per the pre-sentence report of accused two, accused two told the probation officer that:
 “Although he is certain that the Verados shot at the victims, he was not there...”
 Accused two must have had some knowledge of this crime as he is part of the Verados gang, yet, he elected to remain silent in this regard.
- [23] The pre-sentence reports both state that although both accused one and two each have a dependant to look after and that their respective families view their convictions with shock, the fact remains they are a danger to the community, and they must be removed from the community.

⁶ *Matyityi* (note 4 above)

⁷ *DPP v Gcwala* (295/13) [2014] ZASCA 44 (31 March 2014)

- [24] In the result, the accused are sentenced to the following sentences:
- (a) Count one, both accused are sentenced to life imprisonment.
 - (b) Count two, both accused are sentenced to life imprisonment.
 - (c) Count three, both accused are sentenced to ten (10) years imprisonment.
- [25] Due to the fact that both accused are sentenced to life imprisonment on count one, the life imprisonment imposed in respect to count two, as well as the ten (10) years imprisonment imposed on count three, will run concurrently with the sentence of life imprisonment imposed on count one.
- [26] In terms of section 103(1)(g) of the Firearms Control Act 60 of 2000, both accused are declared unfit to possess a firearm.

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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