



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

APPEAL CASE NO: A194/16

(1)	REPORTABLE: YES /NO
(2)	OF INTEREST TO OTHER JUDGES: YES /NO
(3)	REVISED.
	
06 MARCH 2026	
..... SIGNATURE	 DATE

In the Full Bench appeal of:

MOOROSAWA MOLATA

Appellant

and

THE STATE

Respondent

JUDGMENT

LABUSCHAGNE J

[1] The appellant was convicted in the Regional Court, Fochville on two counts of murder and one of attempted murder. He received a life sentence on each of

the counts of murder and 8 years imprisonment in respect of the conviction for attempted murder. The sentences on Counts 2 and 3 run concurrently with the life sentence on Count 1.

- [2] In terms of Schedule 2 of the Criminal Law Amendment Act 1997(as amended), the imposition of a life sentence in the Regional Court affords the appellant an automatic right of appeal. This is that appeal.

BACKGROUND FACTS

- [3] In Count 1 the appellant was charged with premeditated murder of Claudia Matsapela Kojoane on 16 March 2014 in Fochville.
- [4] Count 2 is a charge of murder of Ramoleku Samuel Mokoena, on the same date at Fochville.
- [5] Count 3 is a charge of attempted murder of Makokang Ramphobole on 16 March 2014 at Fochville.
- [6] At the trial, State witnesses placed the appellant of the scene of the murders with a firearm. As will be shown below, the evidence directly implicated the appellant. Notwithstanding such implication, no version on behalf of the appellant was put to State witnesses and he closed his case without testifying.
- [7] The appellant was known to the first State witness, Nthabeleng Evelyn Kojoane (the daughter of the deceased in Count 1). She had been in a relationship with the appellant from 2012. It was apparent that they had parted

amicably, and as of 16 March 2014, she was in a relationship with Mr Mokoena (the deceased in Count 2).

[8] Ms Kojoane witnessed an altercation at about 09:00 in the morning of 16 March 2016 between the appellant (who was accompanied by his friend Loffa), her mother (later deceased 1) and Mr Mokoena (later deceased 2). The appellant was reminded by her mother that he owes her money, ostensibly from the sale of alcohol at the premises. He responded inappropriately and was taken to task for his rudeness by Mr Mokoena]. The altercation seemed to be resolved by the shaking of hands.

[9] A few hours later at about 14.00 Ms Kojane, her mother and Mr Mokoena were seated in the yard. Her cell phone rang and Ms Kojoane entered the house to take the call. She then heard shots outside and upon trying to exit the house, was met with Mr Mokoena running in and falling on top of her, pinning her down. He was being chased by the accused, who appeared at the door. He uttered words to the effect of "I'm fed up with you, human" and fired into Mr Mokoena while on the floor. Ms Kojane (Snr) called out to the appellant. He then turned upon her and shot at her point-blank and she fell down.

[10] The second State witness, who was outside the house, at this point called out to the appellant and asked him whether he was mad. She had however raised her arms in surrender. He however turned upon her and shot at her, hitting her hand. Ms Kojane (Snr) was carried to her bed where she passed away. Mr Mokoena died on the scene.

- [11] In a warning statement the appellant made admissions to the effect that he, after the morning's altercation, had gone to Loffas' home where he borrowed his firearm. This indicated that the murders were premeditated.

AD CONVICTION

- [12] The appellant seeks to benefit from minor discrepancies in the evidence between the State witnesses who were on the scene. The Magistrate heard similar arguments and was satisfied that the evidence was reliable in material respects. Criticism of the first State witness had to be tempered with the fact that the witness was in shock, having lost both her mother and her partner in the incident which she was testifying about.
- [13] Photographic evidence was introduced of casings found outside the front door, which were consistent with the evidence. The appellant had entered the yard, and Mr Mokoena was trying to flee from him, but was shot on the way to the front door. So too, Ms Kojane Snr was shot and killed outside the front door.

DISCUSSION

- [14] Having read the evidence in the record, there are minor discrepancies and contradictions in the evidence between the State witnesses. These are however not materially destructive of the evidence. What emerges was that the appellant through his conduct caused people to move about on the yard while shots were being fired. The eyewitness accounts confirm that the appellant was the only person armed with a firearm and who was discharging a firearm on the day.

- [15] The evidence of the State, which resulted in the conviction of the appellant, is compelling. There is no reason to interfere on appeal.

AD SENTENCE

- [16] The appellant was convicted of premeditated murder utilising a firearm. In terms of section 51(1) of Act 105 of 1997 each of the counts of murder carried a minimum sentence of life imprisonment.
- [17] No evidence of remorse on the part of the appellant has been adduced. He was 28-years old at the time and was a first-time offender. The appellant was maintaining siblings and his mother. This was found by the Court *a quo* to be insufficient grounds to deviate from the minimum sentence provisions.
- [18] The upshot of the aforesaid is that there is no basis on which to come to the assistance of the appellant on appeal in respect of his conviction.

CONCLUSION

- [19] Having found that the appellant's convictions of murder and attempted murder are sound and that there is no basis to intervene in respect of sentence, the following order is made:

ORDER

1. The appeal is dismissed.

[REDACTED]

LABUSCHAGNE J

JUDGE OF THE HIGH COURT

[REDACTED]

MAZIBUKO J

JUDGE OF THE HIGH COURT

APPEARANCES:

COUNSEL FOR APPELLANT: ADV SIMPSON

COUNSEL FOR RESPONDENT: ADV JACOBS