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REPUBLIC OF SOUTH AFRICA



**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA**

Case Number: CC55/23

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

13 February 2026	_____
DATE	SIGNATURE

In the matter between:

STATE

and

J[...] N[...]

JUDGMENT

MORE AJ:

[1] The accused, Mr. J[...] N[...], has been charged with three counts, namely: count 1, murder; count 2, attempted murder; and count 3, robbery with aggravating circumstances.

a. Count 1 reads as follows:

“In that, upon or about 28 January 2023, at or near 8[...] J[...] -M[...] Street, Extension 6, Langaville, Tsakane, in the district of Gauteng, the accused did unlawfully and intentionally kill an adult female, M[...] T[...] N[...], an adult female.”

b. Count 2 reads as follows:

“In that, upon or about 28 January 2023, and at or near 8[...] J[...] -M[...] Street, Extension 6, Langaville, Tsakane, in the district of Gauteng, the accused did unlawfully and intentionally attempt to kill K[...] J[...] M[...] (seven years old) by hitting him with a shovel and causing him injury.”

c. Count 3:

“In that, upon or about 28 January 2023, at or near 8[...] J[...] -M[...] Street, Extension 6, Langaville, Tsakane, in the district of Gauteng, the accused did unlawfully and intentionally assault M[...] T[...] N[...], the deceased, and K[...] J[...] M[...], and with force take the following items from them, to wit, two cell phones, their property or the property in their lawful possession. The aggravating circumstances being the use of a shovel to assault the victim and complainant at the time of the commission of the offence.”

[2] The State avers that the provisions of section 51(1) of the Criminal Law Amendment Act 105 of 1997 (Criminal Law Act) are applicable, in that the death of the victim resulted from a physical abuse by the accused who was in a domestic relationship with the deceased, as provided for in Part 1 of Schedule 2 of the Act 105 of 1997, as amended by the Criminal and Related Matters Amendment Act 12 of 2021.

[3] Part 1 of Schedule 2 of the Criminal Law Act,¹ reads as follows:

“Murder when the death of the victim resulted from the physical abuse or sexual abuse as contemplated in Paragraphs A and B of the Definition of Domestic Violence in section 1 of the Domestic Violence Act 1998, Act 116 of 1998, by the accused who is or was in a domestic relationship, as defined in section 1 of the Act, with the victim.”

¹ 105 of 1997.

[4] The accused is represented by Advocate Matshego, and the State is represented by Advocate Sivhidzho. After the charges were put to the accused, the accused pleaded as follows: On count 1, pleaded guilty; Count 2, not guilty; and count 3, guilty.

[5] Advocate Matshego read into the record and handed in a statement in terms of section 112(2) of the Criminal Procedure Act 51 of 1977 (Criminal Procedure Act)² pertaining to the plea on count 1, the murder charge, and then read section 112(2) statement into the record and the court did not accept the contents thereof, and entered a plea of not guilty in terms of section 113 of the Criminal Procedure Act.

[6] Section 51(1) of the Criminal Law Act was explained to the accused and incorporated in his section 112(2) statement of the Criminal Procedure Act, and the accused confirmed the contents. The State then, as part of the case, sought admissions to be made in terms of section 220 of the Criminal Procedure Act. The following admissions were handed in by consent.

EXHIBIT "A", section 112(2) of the Criminal Procedure Act made by the accused.

EXHIBIT "B", the admissions.

EXHIBIT "C", post-mortem.

EXHIBIT "D", photo album.

EXHIBIT "E", protection order.

EXHIBIT "F", a report by Tendayi Munadzi.

[7] The post-mortem and its contents, and its facts and findings, were admitted into the record as EXHIBIT "C". The post-mortem was conducted by Dr. Collen Oupa Morare. The chief post-mortem findings are found on page 2, and they read as follows: Multiple incised wounds, scalp and face. Impaled wound left hand. Open fracture distal 1/3, right radius; Fracture maxilla and mandible (Le-Forte fracture); Diffuse sub-arachnoid hemorrhage; and the cause of death was the multiple incising force injuries as noted in the post-mortem.

² Act 51 of 1977.

[8] The State then called the following witnesses. Sicelo Brian Vilakazi, K[...], and C[...] M[...] M[...].

Summary of the evidence

Witness 1, Sicelo Brian Vilakazi

[9] He is a sergeant in the South African Police Services Station at Tsakane. He has 17 years of experience and is attached to the visible policing. His duties entail attending to complaints and patrolling. He told the court that on 29 January 2023, he reported for duty at about 06:00 in the morning, and at 07:00, he received a complaint of murder. He was given the address 3[...] J[...] -M[...] Street.

[10] When he approached the address, he saw a small group of people standing outside the address. He was then informed that the injured person was inside the premises. He was let inside by two ladies, one being M[...], who is residing at the address. She is also the daughter of the deceased. He was pointed a lifeless body, which was already covered with a duvet in the bathroom.

[11] He noticed that there was blood on the passage, halls, two bedrooms, and also noticed blood on the bed, the fitted sheet, and even on the curtains. He also indicated that the suspect was not at the scene, and it was alleged that he had fled the scene. There was no cross-examination on this witness.

[12] It was after this witness that the State formally brought an application that the section 112(2) statement be admitted in terms of section 220 of the Criminal Procedure Act. There was no objection from the defence, and it was noted EXHIBIT "A". It kept its original numbering. The State then brought an application in terms of section 153 of the Criminal Procedure Act. The State indicated that the child witness, K[...], is now 12 years old. The State also indicated that at the time of the incident, he was just 7 years old. The defence did not have an objection. As a result, the court ordered that the proceedings would be held in camera in terms of section 153 of the Criminal Procedure Act.

[13] The State then brought another application in terms of section 170A of the Criminal Procedure Act, where the request was made that the child witness testify with the assistance of an intermediary. The State also stated that the now 12-year-

old witness, K[...] M[...], was assessed at the Kids Clinic by a social worker Ms Tendai Monatsi and compiled a report which was handed in as EXHIBIT "F".

[14] The report recommended that the testimony of K[...] be held in camera and that a closed-circuit television system be used. It also indicated that he should not testify in open court. He must not testify in open court, as that might cause undue mental strain on him. There was no objection from the defence Counsel. It was then ordered that the testimony of K[...] M[...] be held in camera via the CCTV system with the assistance of an intermediary.

[15] The State then indicated that Geraldine Ngobeneni should be appointed by a court as the intermediary who will be assisting K[...], the child witness. She was then called, and she placed her qualifications on record. She also indicated that she has been appointed as an intermediary since 2022 and is based in the region of Ekurhuleni, doing both Regional and High Court matters. She indicated that every year they get training under the Department of Justice.

[16] She also handed in her competency statement, and it was marked EXHIBIT "G". There was no objection that she be appointed from this court. She was then appointed as the intermediary by the court. Before she could proceed, she was properly warned and took an oath.

Witness 2, K[...] M[...]

[17] The State then called the second witness, K[...] M[...]. As a child witness, he was admonished, and the court was satisfied that he could differentiate between telling the truth and lies. K[...] told the court that he remembers the date of the incident. That it was in January 2023, even though he does not remember the exact date. He indicated that that evening he was in the company of MmaM[...], his grandmother, or the deceased.

[18] Later that evening, he went to his bedroom to sleep, around 20:00. He explained to this Honourable Court how the house is set up. He informed the court that when he went to sleep, the accused was not home yet. He also told the court that he later heard the deceased screaming and then saw her opening his door and falling into his room. He said his grandfather was following her in possession of a

broomstick, hitting her on the head. He indicated that when he was hitting her, she was holding on to his knees, crying.

[19] He further told the court that when she was hit, she was hit many times with the broomstick on the head, where blood was oozing. He indicated that there was no stage in which the grandmother fought back, and thereafter, the grandfather went to the garage to fetch a spade, and the grandmother ran to the bathroom. At this point, he was taking a video, and the accused took his phone and smashed it on the ground. He also explained how you move from the house to go to the garage and come back into the house.

[20] He informed the court that the accused then hit the deceased with the spade on the head and shoulders, and she sustained open wounds on the head and shoulders. He indicated to the court that when all this happened, she was seated and crying. She was not in possession of any weapon.

[21] K[...] told the court that when this was happening, he was standing at the bathroom door. He further indicated that thereafter the deceased took him and put him in a wardrobe where he spent the night. Later, he realised that the accused took his cell phone and the deceased's phone in his bag. He told the court that he spent the whole night in the wardrobe until he was rescued by his mother.

[22] When his mother asked him about the deceased, he referred her to the bathroom to go and see for herself. At that time, his mother was in the company of one of their neighbours, Mpho.

[23] In cross-examination, he was asked about who slept in which bedroom, and he responded. He also indicated that he does not know that the accused left between 2022 and 2023. He informed the court that before 28 January 2023, there was a time when they would fight, and he does not remember when exactly.

[24] He indicated to the court that when the accused arrived on 28 January, he did not see him. He also indicated that the grandfather, when he came back home, was drunk. He told the court that he did not hear any arguing in the house; the first thing that he heard was when his grandmother, the deceased, started screaming. He also confirmed that he told the police and his mother about what happened to the

deceased. He also indicated to the court that he did not see the accused when he came back.

Witness 3, C[...] M[...] M[...]

[25] The State then called witness number 3, C[...] M[...] M[...]. She informed the court that both the deceased and the accused are her parents. She said that on the night of 28 January 2023, she was at work as she was doing a night shift and only came back in the morning. She was first surprised when she reached the gate, and it was still locked, as her mother and K[...] would always unlock the gate for her.

[26] After breaking the lock of the gate and the one at the door, she managed to access the house. She confirmed that she found K[...] in the wardrobe, and he is the one who informed her that her mother was in the bathroom. She also confirmed the injuries and that the house was full of blood.

[27] According to her, she shouted to the neighbours to come, and the neighbours came. She also confirmed that she spoke to K[...] at some point, and he told her everything that happened. She indicated that it was not the first time that the accused assaulted the deceased, as they were used to fighting. She said that there was a warrant of arrest dated around 2021 and 2022 against the accused. She also confirmed that she knew about the protection order issued against the accused.

[28] During cross-examination, she confirmed that her parents would usually fight. She even, at some stage, called the elders to a meeting to come and try to intervene. According to her, their relationship was toxic. She also told the court that the accused left their home in 2021 and came back in 2022. It was after they had fought that her mother went to the police station. She also explained how she later saw that he was back at home in 2022 but did not know how or what happened. The State then closed the case.

[29] The defence Counsel indicated that they would bring an application in terms of section 174 of the Criminal Procedure Act. The Counsel on behalf of the accused indicated to the court that he is applying for the discharge of the accused in respect of count 2, the attempted murder of K[...] M[...]. He submitted that there was no

evidence presented by the State in respect of this count, and that there is no medical proof that K[...] was hit with a spade.

[30] The State also addressed the court and acknowledged that, indeed, no evidence was led in respect of count 2. The State alluded to the fact that K[...] never said anything about being hit with a spade when he testified. Having listened to the submissions made by both counsel and having applied my mind, the accused was then discharged in terms of section 174 of the Criminal Procedure Act in respect of count 2.

[31] The defence Counsel then called the accused to testify. The accused informed the court that on 28 January 2023, he was at Tsakane, went to drink some alcohol, and watch a soccer match. He was drinking Castle Lager and whiskey. He indicated that he was there from around 14:00 until 21:00, when he decided to go home.

[32] He confirmed that he stays with his wife and his children, but when he got home, the lights were switched off, and there was no one at home, so he decided to go and sleep. He told the court that when he woke up, he was hit with a broomstick on his head by the deceased. He told the court that he had been married to the deceased since the 2000s.

[33] He also confirmed that there was a protection order that was issued against him in 2021. That is why he left home. He also further informed the court that, indeed, there were previous incidents of violence between him and the deceased. He said that he was later accepted back into the house in 2022 and that he and the deceased slept together in the same room until 16 December, when they started fighting again.

[34] He told the court that according to him, the reason for their fight on 16 December was that they drank his whiskey, and a fight ensued, and he was hit with a bone cup on the head. There was a lot of blood, and he ended up at Pholosong Hospital and was stitched up. He also informed the court that he sustained injuries on 28 January 2023. He did not provide the court with any medical proof of any sort.

[35] According to him, the deceased was the aggressor on the night in question. He admitted that even though the deceased was the aggressor, he exceeded the bounds of self-defence, and that he took the two cell phones because they were bought by him when he left.

[36] He gave quite different reasons why he took the cell phones, other than the fact that they were bought by him, because he told the court that he took them because he was afraid that when the community arrive, they might use them to phone the police. So, he said he did not want them to call, as he was on his way to the police station, and he further confirmed that both cell phones, as at the time when he took them, were used by both the deceased and K[...].

[37] During cross-examination, he said that on the night of the incident, he reached the police station but did not enter because there were community members present there. He also said that he took the cell phones so that they could not track him. He confirmed that previously, a case of malicious damage to property was opened, but it was withdrawn. That was back in 2013. He also explained how he was arrested, and he also told the court that after the incident, he never personally went into the police station to report what he had done.

[38] When he was shown the pictures of his wife, he could not recognise her in the photo album. What he told the court when he was shown photos 61 to 66 was that he could not identify her, but in photo 67, at least he was able to identify her because he could see that those were her legs. He further acknowledged that he could not identify her in the pictures 61 to 66 because of the injuries she sustained.

[39] He confirmed that after the incident on the 28th, he left and locked the house. He said that he only hit her with the back of the spade twice.

Evaluation of the Evidence

[40] It is a trite principle that the State must prove the guilt of the accused person beyond a reasonable doubt. In *S v Van Der Meyden*,³ the test was set out as follows.

³ *S v Van Der Meyden* 1999 (1) SACR 447 (W) at para 448F-G.

“The onus of proof in a criminal case is discharged by the State if the evidence establishes the guilt of the accused beyond reasonable doubt. The corollary is that he is entitled to be acquitted if it is reasonably possible that he might be innocent.”

[41] However, in *S v Phallo*,⁴ Olivier JA said that:

“There is no obligation upon the State to close every avenue of escape which may be said to be open to an accused. It is sufficient for the State to produce evidence by means of which such a high degree of probability is raised that the ordinary reasonable man, after mature consideration, comes to the conclusion that there exists no reasonable doubt that an accused has committed the crime charged. He must, in other words, be morally certain of the guilt of the accused. An accused's claim to the benefit of a doubt, when it may be said to exist, must not be derived from speculation, but must rest upon a reasonable and solid foundation created either by positive evidence or gathered from reasonable inferences, which are not in conflict with, or outweighed by, the proved facts of the case.”

[42] Everyone in this country has a right to life. This is the right entrenched in section 11 of the Bill of Rights of the Constitution of the Republic of South Africa. Murder is regarded as a serious offence that falls within the categories of Act 105 of 1997.

[43] Our courts and society consider human life as being precious, and more particularly in the constitutional dispensation such as ours, where the right to life is guaranteed by the constitution. Murder not only ends the life of a loved family member, but it leaves much hardship and pain for the remaining family members, which might not heal.

[44] In this matter, the deceased and the accused were husband and wife. Which means that the death of the deceased resulted from a gender-based violence incident. In *S v Kekana*,⁵ Mathopo AJA (as he then was) said:

“Domestic violence has become scourge in our society and should not be healed lightly. It has to be deplored and severely punished. Hardly a day passes without a report in the media of a woman, or a child being beaten, raped or even killed in this country. Many women and children live in constant fear for their lives. This is in some

⁴ *S v Phallo and Others* 1999 (2) SACR 558 (SCA) at para 10.

⁵ *S v Kekana* [2014] ZASCA 158 at para 20.

respects a negation of many of their fundamental rights as equality, human dignity and bodily integrity.”

[45] The witness K[...] was just seven years old when this incident unfolded. After coming to this court to explain what he saw and experienced on the day, it shows that he is a very intelligent child who was able to remember precisely what he observed on the day in question. Nowhere in his evidence did he show that he was struggling to remember the events of that fateful night.

[46] The way he narrated to this Honourable Court, he was not struggling at all. He was a trustworthy witness. Although he could not remember the actual date of the incident, he was able to provide a very detailed account of the events.

[47] In terms of section 208 of the Criminal Procedure Act, it is competent for a court to convict on the evidence of a single witness. However, the evidence of a single witness must be clear and satisfactory in every material respect. This does not mean that the evidence must be flawless and beyond criticism. *S v Saul (Saul)*,⁶ it was held that:

“There is no rule of thumb test or formula to apply when it comes to a consideration of the single witness . . . The trial Judge will weigh the evidence, will consider its merits and demerits and, having done so, will decide whether it is trustworthy and whether, despite the fact that there are shortcomings or defects or contradictions in the testimony, he is satisfied that the truth has been told. The cautionary rule referred to by De Villiers JP in 1932 may be a guide to a right decision but it does not mean “that the appeal must succeed if any criticism, however slender, of the witnesses’ evidence were well founded” . . . It has been said more than once that the exercise of caution must not be allowed to displace the exercise of common sense.”

[48] It is common cause that K[...] was a single witness and a child. For some years, the evidence of a child witness, particularly a single witness, was treated with caution. This was because it was stated that a child witness could be manipulated to falsely implicate a particular person as a perpetrator, thereby substituting the accused person for a real perpetrator.

⁶ *S v Saul* 1981 (3) SA 172 (A) at para 180E-G.

[49] In *Woji v Santam Insurance Co Ltd (Woji)*⁷, it was stated that to ensure that the evidence of a child can be relied upon, a court must be satisfied that the evidence is trustworthy. The court noted factors that must be taken into account to come to a conclusion that the evidence is trustworthy. In this regard, the court held as follows:

“Trustworthiness . . . depends on factors such as the child’s power of observation, his power of recollection, and his power of narration on the specific matter to be testified. In each instance the capacity of the particular child has to be investigated. His capacity of observation will depend on whether he appears “intelligent enough to observe”.

[50] Whether he has the capacity of recollection will depend again on whether he has sufficient years of discretion “to remember what occurs” while the capacity of narration or communication raises the question whether the child has the “capacity to understand the questions put, and to frame and express intelligent answers”.

[51] There are other factors as well which the Court will take into account in assessing the child’s trustworthiness in the witness-box. Does he appear to be honest – is there a consciousness of the duty to speak the truth? Then also

“the nature of the evidence given by the child may be of a simple kind and may relate to a subject-matter clearly within the field of its understanding and interest and the circumstances may be such as practically to exclude the risks arising from suggestibility”.⁸

[52] At the same time, the danger of believing a child when evidence stands alone must not be underrated. Applying the principles in *Woji* and *Saul* to this case, I find that K[...]’s evidence is reliable and trustworthy, and it is satisfactory in all material respects. Despite his age, his evidence was consistent and clear. He was able to respond to questions appropriately.

[53] Women and children are very vulnerable individuals in society. They need to be protected at all costs and be treated with dignity. What women are experiencing is very worrying, like in this case, where the deceased was killed by her husband of

⁷ *Woji v Santam Insurance Co Ltd* [1980] ZASCA 134; 1981 (1) SA 1020 (A) at para 1028B-D.

⁸ *Woji v Santam Insurance Co Ltd* [1980] ZASCA 134; 1981 (1) SA 1020 (A) at para 1028B-D.

more than 30 years. The father of his children, and even worse, in front of her seven-year-old grandson.

[54] GBV is indeed a serious threat in this country. It is indeed a pandemic, a disease that needs to be cured. The accused initially pleaded guilty to the count of murder, acknowledging that he is the one who caused the injuries to the deceased and ultimately her death. Even though in his section 112 statement, he shows that he pleaded self-defence.

[55] The only question to answer is whether the accused should be convicted in terms of the provisions of section 51(1) of Act 105 of 1997, as provided for in Part 1 of Schedule 2 of the Act.

[56] The love relationship between the deceased and the accused was a very complicated one. For the longest time, they had domestic disputes that resulted in the deceased obtaining a protection order in terms of the Domestic Violence Act 116 of 1998. The one presented to this Honourable Court was issued on 18 May 2021, by a Magistrate in the Tsakane Magistrate Court, and the same was served personally on the accused. Amongst other reasons why she applied for the protection order was because she wanted help from the courts, because she was afraid that the accused would kill her or her children.

[57] It is common cause that the accused is the one who committed these offences, as that is clearly shown on his evidence, the evidence of his daughter, M[...], and that of his grandson, K[...]. He also confirmed that he is the one who inflicted those injuries on the deceased.

[58] The evidence on record is very clear that the deceased was hit with a broom – first she was hit with a broomstick and later was hit with a spade on her head and shoulders. Those are the only two objects mentioned that were used on the night in question. The accused, in his admission and in court, admitted that indeed he assaulted the deceased with a broomstick and a spade. In fact, the accused and K[...] told the court that, as it unfolded, those were the only objects used. Nothing else was mentioned.

[59] The minor discrepancy as to when K[...] informed M[...] about the details of the incident is immaterial. It is neither here nor there, as it does not change anything that transpired that night.

[60] The accused's evidence is full of improbabilities and contradictions. The accused cannot be trusted to some extent. He denies that he is the one who started the fight, while we have K[...]’s version that the first person he heard on that fateful night was her grandmother screaming.

[61] He informed the court that on the night in question, he only hit the deceased twice with the backside of the spade, which is not consistent with the injuries sustained, as they are incision-type injuries. This also shows that the accused cannot be trusted.

[62] It is also clear that, after committing these offences, he locked the house and left the deceased and K[...] inside the house, and there is no one else who entered, until M[...] came back the following morning. The only explanation available is that, following his acknowledgement of what he did, he is the one who caused these injuries. No one else entered the house after he left.

[63] It cannot be said that the accused might have forgotten how the incident unfolded. Because though he portrayed himself as extremely drunk and could not remember what he was doing in his testimony, he could precisely remember at what time he went to the drinking place, what he was drinking, what he was doing as in watching soccer, the type of drinks he was taking, the Castle and the whiskey and that he went home at around 21:00 in the evening. This shows the memory of a man who was aware of his surroundings and what he was doing.

Self-defence

[64] The key requirements of self-defence are that there must have been an unlawful attack and that the attack must be imminent. Also, the defensive act must be necessary to avert the attack, and it must be proportionate to the attack, and not be excessively violent.

[65] As stated in *S v De Oliveira*,⁹

“A person who acts in private defence acts lawfully, provided his conduct satisfies the requirements laid down for such a defence and does not exceed its limits. The test for private defence is objective - would a reasonable man in the position of the accused have acted in the same way.”

[66] Even if this Honourable Court were to believe that the accused acted in self-defence, he exceeded the bounds of self-defence in a considerable manner. There is absolutely no evidence that supports the version of the accused as to whether he was attacked or not before this Honourable Court; it is what K[...] heard, the scream of the grandmother. K[...] did not hear any arguments, any of them shouting, or any sound which will suggest that there was some kind of a fight before he heard the screaming, or any cry of help from the accused.

[67] Of importance, the accused acknowledged that he exceeded the bounds of self-defence. He could have avoided assaulting the deceased the way he did. Instead, he chose to assault the deceased whilst she was in her defenceless state. He did not just assault her with a broomstick, but also continued with a spade, causing even more serious injuries. The court agrees with him when he says he exceeded the bounds of self-defence.

[68] Even though he tried to give some explanations that he disarmed the deceased with a broomstick, that he sustained some injuries at some point, that is not substantiated. Also, in his own words, the explanations that he gives about the phone, what he tells the court about his fear that the community will call the police station, all of that does not make sense.

[69] Throughout his mixed explanation, he even alleged that when he left the house, when he went to the police station, if we were to align that with the evidence of this case, it was during the night. Also, at some point, when he tried to go back to the police station, there were sangomas because his wife was also a sangoma. The court does not take that explanation.

⁹ *S v De Oliveira* [1993] 2 All SA 415 (A) at para 14.

[70] On the count of armed robbery, the State alleged that he robbed the cell phones belonging to both the deceased and K[...] immediately after brutally killing the deceased. The explanation he gave during his testimony about the cell phones is rejected by this Honourable Court. He might have bought the cell phones, but at the time he took them, they belonged to his wife and his grandchild. I am therefore satisfied that he robbed them of their cell phones.

[71] What the accused did was cruel. He committed murder and immediately thereafter took their cell phones. By doing so, this confirms that he was committing another offence. His version is unconvincing and improbable. To some greater extent, it conflicts with the objective facts proved by the State, as it appears that he fabricated a version to suit his lies.

[72] Before this court, he appears not to be a credible witness, and his testimony is not reliable and is rejected.

[73] Having carefully considered the totality of the evidence, I am satisfied that the State proved its case beyond a reasonable doubt. The accused is the one who caused the injuries to the deceased and caused her death. When he decided to run away, he took the cell phones belonging to the deceased and K[...]. He then lied under oath about how everything unfolded, and all this confirms his guilty conscience.

[74] Accordingly, you are found guilty as charged on two counts: the first count of murder and the third count of robbery with aggravating circumstances.

**MORE AJ
JUDGE OF THE HIGH COURT
PRETORIA**

Date of Judgment : 13 February 2026

Appearances:

For the State: Adv Sivhidzho

Instructed by: Director of Public Prosecutions

For the accused: Adv Matshego

Instructed by: Legal Aid South Africa