

SAFLII Note: Certain personal/private details of parties or witnesses have been redacted from this document in compliance with the law and [SAFLII Policy](#)



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

CASE NO: CC 22/2025

(1) REPORTABLE: YES / NO
(2) OF INTEREST TO OTHER JUDGES: YES/NO
(3) REVISED.
DATE 30/04/2026
SIGNATURE

In the matter between

THE STATE

and

ANTOINETTE MARITZ

JUDGMENT

MAKAMU J

Introduction

[1] This matter was before Phahlane J, who, unfortunately, is no longer available to proceed with the trial, and it had to be started *De Novo*. The State and the Defense adopted the approach that the matter should indeed start *De Novo*; however, transcripts of the record from the start of the trial were made available, and the State will call all the witnesses who testified to confirm their testimony as per the transcript.

[2] The accused appears before this court on an indictment containing four counts:

1. Murder (read with section 51(1) of the Criminal Law Amendment Act 105 of 1997);
2. Attempted murder (read with section 51(2) of the same Act)¹;
3. Robbery with aggravating circumstances (read with section 51(2))²;
4. Defeating or obstructing the administration of justice.

[3] The accused is defended by Adv. Matshego, who has been instructed by Legal Aid South Africa (LASA).

[4] The offences arose from the accused and her former boyfriend Mr. Johan Pratt killing Mr. W[...] H[...] by slitting his throat with a sharp object that could be a knife and attempting to kill Ms. M[...] H[...] by striking her with blunt object on her head three times then tie her legs and her hands to a chair which she was caused to sit on, then they took her car, watch and ring, two cell phones and one thousand rand (R1000) in cash. The accused and her former boyfriend then bundled the dead body of Mr. W[...] H[...] into the car of Ms. M[...] H[...] and dumped the body in Standerton in the veld. All the clothes of the deceased were also taken by the accused and her former boyfriend, Johan Pratt.

¹ Criminal Amendment Act 105 of 1997, S 51(2)

² Criminal Amendment Act 105 of 1997, S 51 (2)

[5] The State alleged further that all these offences were committed in furtherance of a common purpose with Johan Pratt. The murder of Mr. W[...] H[...] was pre-planned or premeditated, and as such, section 51(1) of the Criminal Law Amendment Act, 105 of 1997, found application, and in case of conviction, it attracts a sentence of life imprisonment unless the accused adduces substantial and compelling reasons to deviate from imposing the minimum sentence prescribed. The application of sections 51(1) and 51(2) of the Criminal Law Amendment Act, 105 of 1997, was explained to the accused before she could even plead to the charges, and she understood the explanation.

[6] The accused pleaded not guilty to all the charges. She elected to remain silent and not offer any plea explanation. There was an undertaking by the State and the Defense that, under section 220 of the Criminal Procedure Act³, admissions would be submitted at a later stage to curtail the proceedings.

[7] The State is represented by Adv. M Masilo. Johan George Pratt is represented by Mr. HL Alberts and has entered into a comprehensive plea and sentence agreement in terms of section 105A of the Criminal Procedure Act 51 of 1977. The accused, Ms. Antoinette Maritz, is not a party to that agreement but has tendered formal admissions in terms of section 220 of the same Act⁴.

Johan Pratt's admissions

[8] The following facts are accepted by this court as proven, largely through the detailed admissions of Johan Pratt:

1. The deceased, Mr. W[...] H[...], was in a relationship with the accused, Ms. Antoinette Maritz, with whom Johan Pratt had previously been in a stormy relationship and had three children.
2. Maritz had left Pratt approximately nine months prior to the incident and moved in with the deceased.

³ Criminal Procedure Act 51 of 1977, S 220.

⁴ Criminal Procedure Act 51 of 1977, S 220.

3. Pratt retained feelings for Maritz and was deeply concerned about access to his youngest child, whom Maritz had taken with her.
4. On the day of the offences, Pratt attended the deceased's home at 8[...] B[...] Street, Suiderberg, Pretoria.
5. There, acting on the instigation and manipulation of Maritz, Pratt attacked the deceased, W[...] H[...], inflicting perforating incised wounds to his neck and chest, from which he died.
6. Pratt also brutally assaulted Ms. ME H[...] (the victim in count 2), inflicting severe head injuries, and left her bound to a chair.
7. Pratt and Maritz then robbed the deceased's home of the items listed in count 3.
8. Thereafter, the deceased's body was transported to Standerton, Mpumalanga, and left in the field along the R50 road, where it was discovered the following day.
9. A motor vehicle was also taken but was later recovered.

[9] Critically, Johan Pratt admits that he was motivated by his concern for his children and that Maritz spurred him on, including by threatening to prevent access to his child. He admits that Maritz had a significant hold over him and manipulated him. He admits that he foresaw that his assault on Ms. H[...] could result in her death.

Antoinette Maritz admissions

[10] The accused has not entered a plea agreement. However, she has tendered formal admissions in terms of section 220 of Act 51 of 1977. Those admissions are notably silent on the following:

1. Whether she was present at the scene, but later she admitted being at the scene of the crime.
2. Whether she participated in the assault, the robbery, or the disposal of the body.
3. Whether she premeditated or planned the murder.

[11] Her admissions are purely technical: confirming the identity of the deceased, the medical findings, the chain of evidence regarding the body, and the fact that items were stolen from the premises. She admits no *actus reus* (guilty act) and no *mens rea* (guilty mind).

[12] However, the court is not limited to her section 220 admissions. The detailed plea agreement of Johan Pratt (which the State accepts as true) is evidence before this court. From that evidence, the following emerges against the accused:

- a. She was in a relationship with the deceased.
- b. She had a prior stormy relationship with Johan Pratt.
- c. She manipulated Johan Pratt.
- d. She spurred him on by sending him a picture of his daughter on WhatsApp showing a cut on her cheek and claiming the deceased was responsible.
- e. She threatened to deny him access to his child.
- f. She had a “significant hold” over him.
- g. She was the one who, according to the substantial facts admitted by Pratt, was the motivating and directing force behind the offences.

[13] The accused had multiple opportunities to report the incident, as she claims Johan Pratt consistently threatened her to keep quiet or he would kill her. In the case of Luvuyo Lungile, Siyanda Mtulu, and the state, case number 493/1998 by SCA, paragraph 8 of the judgment highlights that there was no compulsion whatsoever in the commission of the offenses. It was never put that the First Appellant was, in fact, threatened or that threatened harm was imminent or had commenced. No evidence suggests that Johan Pratt threatened the accused. These are essential elements of the defence of compulsion. These opportunities are set out in the following sequence of events:

1. The construction workers who work with the deceased came to fetch him for work in the morning, after his death. The accused could have informed the construction workers of the incident, but she lied to Mrs. H[...] and said she had fought with the deceased, and he had left the house.

2. The accused called a tuk-tuk to transport her daughter to crèche, which is a 20–30-minute drive. In that time, she could have requested the tuk-tuk driver to take her to the police station to report the crime.
3. The accused arrived at the crèche to drop off her daughter, and that could have been an opportunity to report the incident to the teachers, as she was in a safe environment.
4. Ms. H[...] requested the accused to make her coffee before she leaves for her errands. At this time, the accused could have informed Ms. H[...] of what had transpired, as she was unaware that Johan Pratt was in the house.
5. When Ms. H[...] came back from work, she could have still told her of the incident; however, she was distracted by the accused, and then Johan Pratt attacked her with a blunt object, which was an ashtray, the size of a football, on her head.
6. The accused and Johan Pratt bundled up the body of the deceased into the back of Ms. H[...]’s vehicle. They also took all of W[...] H[...]’s clothes as well as two (2) cellphones, rings, a watch, and one thousand rands (R 1000) cash, which she concealed in her bra.
7. They drove to Standerton but decided to stop in a secluded area to wait until it was dark. They dumped the body of the deceased on the outskirts of Standerton, then drove to Barry Pratt’s house, who is the brother of Johan Pratt.
8. Barry Pratt saw blood on their suitcase as he was offloading it to the house, whilst Johan Pratt and the accused were having a meal. Barry enquired from Johan Pratt who the car belonged to, and he said he borrowed it from a friend. He further enquired about the blood in the car and suitcase, and Johan Pratt said the friend said it was from hunting a buck that he had killed. Barry Pratt then sent the car details to a friend in security to check the vehicle. The vehicle’s results prompted him to decide he did not want it in his yard. Johan Pratt told Barry Pratt to accompany him to drop off the car at the friend from whom he borrowed it, who said he would collect it at Jonkers Dam at around 9 pm. Barry Pratt accompanied him to the location, and he was driving his own vehicle.

At this time, the accused could have informed Barry Pratt’s wife of what had transpired, but she did not take the opportunity to do so.

9. The accused and Johan Pratt stayed with Barry Pratt and his wife for almost a month when Barry Pratt decided to move to a house in town, closer to his workplace. This house happened to be 2-3 houses away from the police station. She failed to take the opportunity to report the incident to the police.
10. The accused and Johan Pratt moved to Benoni, where they stayed with Mr. Tony Forrester in Petit. At the time, Johan Pratt was offered employment at the place where he was working during the day. Mr. Forrester testified that the accused would go to the shops in Petit while Johan Pratt was at work, and at this time, she could have used the opportunity to go to the police station or even tell Mr. Forrester what had transpired.
11. The accused only called the police when she was informed that they were looking for her. She did not call the police voluntarily or out of good conscience.
12. Lastly, it is important to note that the accused let in Johan Pratt through the window and not the main or back door. She further witnessed Johan Pratt killing the deceased and further failed to seek help.

[14] In addition to the multiple opportunities the accused had to report the incident, every single independent witness testified that she appeared normal, calm, and not in distress. This is wholly inconsistent with a person acting under duress. Witnesses like Elaine Rossouw, Barry Pratt, Sussan H[...], and Tony Forrester, and this is wholly inconsistent with a person acting under duress.

[15] The accused did not merely passively comply. She was the architect of the plan. She sent the provocative messages, opened the gate, provided the weapons, lied to cover up the murder, and urged the killing of a second victim (Ms. H[...]). This is the conduct of a co-perpetrator, not a victim. She attempted to provide a pillow to Mr. Johan Pratt to suffocate Ms. H[...] when she tapped him on his back. Unfortunately, unbeknownst to Ms. H[...], she thought the accused was stopping Mr. Pratt from killing her.

Legal principles

[16] The state has a legal duty to prove its case beyond a reasonable doubt, as enunciated in **S v Jackson 1998**⁵. In the case of **S v Chabalala 2003**⁶, Heher AJ stated that:

“The correct approach is to weigh up all the elements which points towards the guilt of the accused against all those which are indicative of his innocence, taking proper account of inherent strengths and weaknesses, probabilities and improbabilities on both sides and, having done so, to decide whether the balance weighs so heavily in favour of the state as to exclude any reasonable doubt to the accused’s guilt.”

[17] The doctrine of common purpose applies squarely. In **S v Mgedezi 1989**⁷, the court held that where an accused is present at the scene of a crime, shares a common purpose with others, and manifests that sharing by performing some act of association with the others' conduct, they are liable for the actions of all.

[18] In **Tshabalala v S; Ntuli v S 2019**⁸, the court cited the case of **Jacobs v S 2019**⁹, where the court stated:

“The operation of the doctrine does not require each participant to know or foresee in detail the exact way in which the unlawful results are brought about. The State is not required to prove the causal connection between the acts of each participant and the consequence, for example, murder.”

[19] In **S v Toubie 2004**¹⁰, Farber AJ stated:

“It would be naïve to suggest that the common purpose of the group was to rob, and that alone. In the absence of any evidence to the contrary, each one of them must have foreseen and therefore by inference did foresee that they would be required to make good their getaway and that in that process they might meet resistance. It was equally foreseeable that such resistance would,

⁵ *S v Jackson 1998 (1) SACR 470 SCA*

⁶ *S v Chabalala 2003 (1) SACR 135 SCA*

⁷ *S v Mgedezi 1989 (1) SA 687 (A)*

⁸ *Tshabalala v S; Ntuli v S 2019 [2019] ZACC 48 at para 39*

⁹ *Jacobs v S [2019] ZACC; 2019 (1) SACR 623 (CC); 2019 (5) BCLR 562 (CC) at para 70*

¹⁰ *S v Toby 2004 (1) SACR 530 WLD, p 549 at para d,e,f*

in all likelihood, result in firearms being discharged, not only by them but by those in pursuit of them. Given this, none of them could have misunderstood the very real possibility of innocent bystanders being wounded, whether fatally or not. When in that process a life is taken, or an attempt is made to do so, it matters naught whether the shot in question is discharged by a member of the group or by one of the pursuers.”

[20] The accused stated in her evidence that Johan Pratt told her that, since she had a new boyfriend, if he ever gave her trouble, she should contact him and he would fetch her. It is no surprise that Johan Pratt came to know of her address in Pretoria, at Suiderberg, and that only she knew of his arrival, subsequently gave him access through the gate, and finally through the window.

[21] This is corroborated by the fact that she had sent a picture to Johan Pratt through WhatsApp, showing a cut on the child's cheek, insinuating that W[...] H[...] was somehow responsible for it. This was done to arouse his anger, yet the injury happened at the child's creche. Johan Pratt told Barry Pratt that he would kill W[...] H[...] (the deceased) after receiving the image from the accused.

[22] It is very clear that when Johan Pratt arrived at the house, the only mission was to kill the deceased, and the accused was the brains behind this murder. The accused claims that she was threatened by Mr. Johan Pratt, but facts speak for themselves, as she had numerous opportunities to break away from Mr. Johan Pratt but chose not to do so. The only explanation is that she was the main instigator and architect of the commission of the offenses, although in some instances, not by her own hand, but by a willing partner in crime, Mr. Johan Pratt. I can also add that the accused is a very good orator whilst relating her story, that one is bought into it, yet she is just a good actor in the whole thing.

Conviction

[23] On Count 1 (Murder): The accused's role in planning and executing the killing of W[...] H[...] is direct and profound. She is guilty of murder as charged with the

provisions of section 51(1) of the Criminal Law Amendment Act, 105 of 1997, as a co-perpetrator.

[24] On Count 2 (Attempted Murder): The accused urged Johan Pratt to kill Ms. H[...] and actively facilitated the attack by making coffee and creating a normal atmosphere to distract her from seeing Johan Pratt in the house as he attacked her from behind whilst she was talking to the accused. She is guilty of attempted murder.

[25] On Count 3 (Robbery with Aggravating Circumstances): The robbery was committed with a weapon (the ashtray, the knife) and violence. They inflicted bodily injuries on Ms. H[...]. The accused suggested taking the vehicle and was present throughout. She is guilty of robbery with aggravating circumstances.

[26] On Count 4 (Defeating the Ends of Justice): The accused lied to Ms. H[...], her cleaning of the scene, and her flight with Mr. Pratt all constitute a deliberate attempt to obstruct the course of justice. She is guilty on this count as well.

[27] Based on the combined effect of the totality of the evidence led by the State, the accused's section 220 admissions, and the unchallenged factual admissions of Johan Pratt, the State has established a *prima facie* case that the accused was a co-perpetrator or, at a minimum, an accomplice who premeditated and induced the murder and all other offenses that followed.

Order

I hereby make the following order;

1. The accused is guilty of murder, read with section 51(1) of the Criminal Law Amendment Act 105 of 1997.
 2. The accused is found guilty of attempted murder of Ms M[...] H[...]
 3. The accused is found guilty of robbery with aggravating circumstances, read with section 51(2) of the Criminal Law Amendment Act 105 of 1997
 4. The accused is found guilty of defeating the ends of justice as charged.
-

M S MAKAMU

JUDGE OF THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

Appearance on behalf of the State:

Advocate M Masilo

Appearance on behalf of the accused:

Legal Aid South Africa

Advocate OK Matshego