



IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA

CRIMINAL APPEAL CASE NO: A342/2024

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

[Redacted Signature]

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DATE

25/5/2026.

In the criminal appeal of:

**ALPHEUS MPHOKANE**

Appellant

and

**THE STATE**

Respondent

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**JUDGMENT**

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LABUSCHAGNE J

- [1] The appellant appeals against a sentence he received for a conviction of attempted murder. He was convicted in the Pretoria Regional Court on a charge of attempted murder in that on or about 31 August 2020 and at or near Silver Lakes, he unlawfully and intentionally attempted to kill Tooka James Ramatsetse, a male person, by stabbing him with a knife.
- [2] During the trial the appellant was legally represented, and he plead guilty to the charge, but after questioning by the Court a quo a plea of not guilty was entered in terms of section 113 of the Criminal Procedure Act, 51 of 1977. This was because the appellant only admitted stabbing the victim once while he was stabbed three times.
- [3] On 9 September 2024 the Court a quo convicted the appellant and sentenced him to 15 years imprisonment. The Court a quo also ordered that the appellant remains unfit to possess a firearm, in terms of section 103(2) of Act 60 of 2000.
- [4] The Court a quo granted leave to appeal against the sentence on 10 July 2024.
- [5] At the time when the offence was committed there was no prescribed minimum sentence applicable to the charge in question in terms of the Criminal Law Amendment Act, 105 of 1997. The appellant contends that the Court a quo erred in imposing the sentence in that the sentence imposed would not aid his rehabilitation. He contends that the Magistrate failed to take into account the effect that long-term imprisonment would have on the appellant.

- [6] The appellant contends that he is a first offender and that there is a possibility of him being reformed and rehabilitated. He has four children, two of whom are minors and the appellant was responsible for maintaining the minor children.
- [7] The appellant contends that the court must take into account that he spent two years and nine months in prison awaiting trial. While the court a quo took this into account, the contention is that it was not accorded due weight. The appellant contends that a sentence of ten years would be appropriate.
- [8] The following appears from the judgment from the Court a quo:

- “1. *At Makro, that is when this witness asked as to what was the fight all about and accused informed him that Ramatsetse was owing him. He offered to give the accused the money owed to him by Ramatsetse, but accused refused.*
2. *They then continued chasing each other. They were running in circles around the cars at Makro. Ramatsetse tripped, fell down and accused was on top of him. The witness paused at this stage and was crying hysterically. It was his further evidence that accused used his right hand to stab Ramatsetse on the thigh for the first time.*
3. *The second time he stabbed him on the stomach and for the third time he stabbed him on the stomach again and Ramatsetse’s intestines came out. Ramatsetse informed Alpheus that he is killing him. Alpheus being Mphokane (the appellant). Accused stood up and left.”*

From the record it appears that the evidence of two eye-witnesses confirm the above summary. The one witness expressly confirmed that the victim had been stabbed multiple times, resulting in his intestines coming out. This witness then placed the intestines in a plastic bag and accompanied the victim to hospital, while telling him to hold his stomach.

[9] The doctor's evidence, Dr Makazi, confirms that devastating effects that the injuries has had on the victim. He had a knife wound deep into his thigh in addition to the stomach wounds. As a result of the injuries he became wheelchair bound. He has since also become blind and unable to speak and is in need of full time care. At the sentencing hearing, the wife of the victim asked the appellant why he did not simply finish off the victim. This was an expression of how much pain she and the victim were enduring. Those around the victim were suffering and considered that the life of the victim was hardly worth living.

[10] The Court a quo regarded the following as being in aggravation of sentence:

10.1 The seriousness of the offence which was prevalent.

10.2 That the appellant had not been remorseful and only admitted to stabbing the complainant more than once during cross-examination. This was an indication that he was not accepting full responsibility for his actions.

10.3 The knife used was very large.

10.4 The heinous nature of the assault was evident by the intestines that were displaced outside the body of the victim.

10.5 The fact that the complainant suffered gruesome injuries that are still stripping him from any meaningful quality of life was also seen as aggravating.

[11] It is trite that sentencing is primarily a matter for the discretion of the trial court and that a court of appeal should only intervene if there has been a material misdirection and if the sentence imposed induces a sense of shock or is disturbingly inappropriate<sup>1</sup>. I considering these aspects, a court of appeal must decide whether the trial court has, in imposing sentence, exercised its discretion judicially and properly<sup>2</sup>.

[12] Having considered the seriousness of the assault and the devastating consequences it has had on the victim and his family, the sentence imposed does not induce a sense of shock. In addition, no material misdirection has taken place.

[13] The Court is satisfied that all relevant considerations were taken into account, including the period spent in prison awaiting trial, and therefore no basis for intervening has been established.

[14] In the premises the appeal against sentence is dismissed.

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<sup>1</sup> *S v Rabie* 1975 (1) SA 855(A) at 857E-F

<sup>2</sup> *S v Pillay* 1977 (4) SA 531(A) at 535E-G

  
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**LABUSCHAGNE J**  
JUDGE OF THE HIGH COURT  
GAUTENG DIVISION, PRETORIA

I agree

  
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**N DAVIS**  
JUDGE OF THE HIGH COURT  
GAUTENG DIVISION, PRETORIA

Date of Hearing: 29 April 2026

Judgment delivered: 25 May 2026

**APPEARANCES:**

For the Appellant:

Attorney for the Appellant:

Ms S Simpson

Attorneys, Pretoria

For the Respondent:

Attorney for the Respondent:

Adv K T Rancho

Director of Public Prosecutions, Pretoria