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

CASE NO: CC66/2025

(1) Reportable: No.

(2) Of interest to other judges: No

(3) Revised.

Date 12 June 2026

Signature

In the matter between:

THE STATE

and

TSHEPO MURENDENI MULOVEDZI

SENTENCE JUDGMENT

Munzhelele J

- [1] The accused was convicted on the following counts:
- [1.1] Count 1: Rape, read with section 51(1) of the Criminal Law Amendment Act 105 of 1997, as amended;
 - [1.2] Count 2: Housebreaking with intent to rape;
 - [1.3] Count 3: Murder, read with section 51(1) of the Criminal Law Amendment Act 105 of 1997, as amended;
 - [1.4] Count 4: Rape, read with section 51(1) of the Criminal Law Amendment Act 105 of 1997, as amended;
 - [1.5] Count 5: Attempted murder, read with section 51(2)(b) of Act 105 of 1997, as amended;
 - [1.6] Count 6: Rape, read with section 51(1) of the Criminal Law Amendment Act 105 of 1997, as amended;
 - [1.7] Count 7: Attempted murder, read with section 51(2)(b) of Act 105 of 1997, as amended;
 - [1.8] Count 8: Attempted murder, read with section 51(2)(b) of Act 105 of 1997, as amended;
 - [1.9] Count 9: Robbery with aggravating circumstances, read with section 51(2)(a) of Act 105 of 1997, as amended;
 - [1.10] Count 10: Theft, as a competent verdict on a charge of robbery;
 - [1.11] Count 11: Rape, read with section 51(2)(b) of Act 105 of 1997, as amended;
 - [1.12] Count 12: Robbery with aggravating circumstances, read with section 51(2)(a) of Act 105 of 1997, as amended; and
 - [1.13] Count 13: Housebreaking with intent to rape.

[2] Before passing sentence, section 274 of the Criminal Procedure Act 51 of 1977, requires the trial court to obtain sufficient information to enable it to impose an appropriate and just sentence. The purpose is to ensure that the Judge is well-informed about the relevant facts of the case, the circumstances of the accused, and any other factors that may affect sentencing. In *S v Mokela* 2012 (1) SACR 431 (SCA), Bosielo JA stated (at [14]):

"There is the hallowed principle that, in order to arrive at a fair and balanced sentence, it is essential that all facts relevant to the sentence be placed before the sentencing court. This duty extends to the point where the sentencing court may be obliged, in the interests of justice, to inquire into circumstances, whether aggravating or mitigating... This is consistent with the principle of a fair trial."

[3] During the sentencing proceedings, the following evidence was presented to the court: information regarding the accused's prior convictions, pre-sentence reports pertaining to the accused, and the victim impact statements.

[4] The accused has a previous conviction for murder, for which he was sentenced to 15 years' imprisonment by the Mamelodi East Regional Court in 2022. This is reflected in the SAP 69, which was admitted into evidence and marked Exhibit "H".

[5] The accused elected not to testify in mitigation of sentence and instead relied on the contents of the pre-sentence report compiled by Mr. Mbatha, a probation officer employed by the Department of Social Development. The report was admitted into evidence and marked Exhibit "I". The State likewise elected not to call witnesses during the sentencing proceedings and instead handed in victim impact statements, which were admitted as Exhibits "J" to "P".

- [6] According to the pre-sentence report, the accused is the second-born of five children. He was born on 11 November 1995 and has attained Grade 9 as his highest level of education. He is unmarried and has fathered three children, one of whom is deceased. He has two surviving children, aged eight and seven years, respectively. The eight-year-old child resides with the mother in Nzhelele, Limpopo Province, while the seven-year-old child resides in Zimbabwe with the mother.
- [7] The accused reported that he enjoyed a relatively stable upbringing with his siblings, mother, and stepfather. However, during his teenage years, he became involved in alcohol abuse, smoking, theft, and robbery. He further associated himself with a gang and used the proceeds of his criminal activities to purchase clothing, alcohol, drugs, and to finance gambling. He did not contribute financially towards the maintenance of his family or children.
- [8] The accused grew up in an environment characterized by domestic violence, where his stepfather regularly assaulted his mother in the presence of the children. On one occasion, while witnessing such abuse, the accused stabbed his stepfather twice in the ribs and thereafter fled to Musina, where he stayed with an uncle who was a traditional healer. At that stage, he was already abusing drugs. According to the report, his circumstances deteriorated further while residing with his uncle due to increased exposure to substance abuse and criminal life. Following a dispute with his uncle, whom he also stabbed, he fled to Soshanguve, Gauteng Province. It was in Gauteng that the offenses forming the subject matter of this case were committed.

- [9] The accused reportedly suffered from episodes of fainting and uses medication to manage the condition. He informed the probation officer that he is haunted by the offenses he committed, experiences nightmares, struggles to sleep, and has entertained suicidal thoughts. During the assessment, however, he displayed no abnormalities in his communication, behaviour, or cognitive functioning. He was able to recall the offenses in detail and presented himself as a quiet and reserved individual.
- [10] The probation officer recommended that the court impose the prescribed minimum sentences contemplated in section 51(1) of the Criminal Law Amendment Act 105 of 1997. The recommendation was based on the seriousness of the offenses, the violence employed by the accused, including the use of knives, bricks, and stones, the vulnerability of the predominantly female victims, the accused's previous conviction for a serious violent offense, the need to protect society, and the necessity of deterring the accused from engaging in further criminal conduct.
- [11] In respect of Count 1, the accused unlawfully broke into the home of a minor child and raped her. The sanctity and safety of her home, a place where she was entitled to feel secure and protected, were violated in the most egregious manner.
- [12] In respect of Count 3, the accused planned the commission of the offense. He armed himself with a brick, struck the victim in the head and face, causing serious injuries, dragged her to a secluded area, raped her, and left her for dead. His conduct demonstrated a complete disregard for human dignity, bodily integrity, and the value of human life.

- [13] In respect of Counts 6, 7, 8, and 9, the accused attacked another victim with a brick, inflicting injuries upon her, before he raped her. After committing the rape, he took possession of her cellular telephone, thereby robbing her of her property.
- [14] In relation to Count 11, the accused forced open the door to the complainant's home with a knife, threatened her with the weapon, raped her, and robbed her of money. Once again, he violated the victim's dignity, bodily integrity, privacy, and sense of security in her own home.
- [15] The offenses committed by the accused reveal a disturbing pattern of predatory and violent conduct primarily directed at vulnerable women. His actions constituted brutal invasions of the victims' privacy, dignity, bodily integrity, and security. The accused displayed a callous disregard for his victims' constitutional rights and trampled upon those rights without hesitation or remorse.

VICTIM IMPACT STATEMENT

1 E[...] P[...] exhibit J

- [16] She stated that she is no longer the same person she was before the incident. The trauma has affected her emotional well-being, and she struggles to regain a sense of normality and freedom in her daily life. Her child is afraid to walk on the streets because of the rape that occurred to her. She continues to experience fear, stress, and emotional pain as a result of the incident. The incident has also had a significant impact on her family, who lived in constant fear because they did not know where the perpetrator lived. They felt their sense of integrity had been stripped away. The emotional consequences continue to affect their lives, and they wish to relocate. Overall, the victim stated that the offenses have caused lasting emotional, psychological, and physical harm to herself and her family, and

that they continue to live with the trauma's consequences and remain fearful of the perpetrator.

2 K[...] P[...] exhibit K

[17] Since the rape, she has not been the same person she was before the incident. She continues to suffer significant emotional, psychological, and physical trauma, including fear, stress, anger, mood swings, flashbacks, and episodes of crying. She is afraid to walk alone on the streets, particularly in the area where the incident occurred, which constantly reminds her of the ordeal. As a result, she isolates herself indoors and, at times, seeks safety by sleeping at a neighbor's house. She sustained bruises on her neck after being strangled until she lost consciousness, and the injuries negatively affected her self-image, causing her to avoid looking at herself in the mirror. Owing to the trauma, she relocated from her home to another area, where she now incurs rental expenses and has had to transfer her child to a different school, resulting in increased financial burdens. Overall, the offenses have had a profound and lasting impact on her emotional well-being, sense of security, daily functioning, and financial circumstances.

3 B[...] M[...] exhibit L

[18] After the incident, she suffered severe emotional trauma. She was unable to eat or sleep properly, experienced recurring flashbacks, and lived in constant fear. Because the incident occurred in her home, she no longer felt safe in a place where she should have felt secure. She became withdrawn, isolated herself from friends and family, and avoided social interactions and social media. She felt embarrassed and believed that people in her community were talking about her. She spent long periods alone, crying and questioning why the incident had

happened to her. The trauma also affected her physical health. She lost weight and required medical treatment, including medication and injections. Hospital visits were especially difficult because they reminded her of her grandmother's death. Her grandmother had raised her. She attended therapy sessions but found revisiting the events emotionally distressing. She stated that the accused's actions had significantly disrupted her life and emotional well-being.

- [19] The incident negatively affected her personal relationships. She lost trust in men and ended her relationship with her boyfriend despite his support. It took about eight months before she felt able to pursue a relationship again. B[...]’s family was also affected. Her mother faced financial difficulties, and the family struggled to return to normal life. As a result of safety concerns, her mother incurred additional expenses to install a security gate and burglar bars at their home. Property lost during the incident, including money and a cellphone, was uninsured and could not be recovered. Although she initially blamed her stepfather for not being present on the day of the incident, their relationship has since improved. She continues to experience fear and anxiety, including concerns that the perpetrator may return. She has experienced nightmares and ongoing emotional distress as a result of the offenses. Overall, B[...] states that the incident caused significant and lasting psychological, emotional, physical, social, and financial harm, fundamentally altering her sense of safety and well-being.

4 M[...] M[...] exhibit M

- [20] M[...] M[...], a 16-year-old learner, states that the rape left her in severe emotional pain and caused her to withdraw from her studies, friends, and the community. She felt isolated, abandoned, and unable to cope with daily life. The trauma left her angry, sad, and helpless, and she often locked herself in the yard because she no longer felt safe. M[...] explains that she struggled to resume normal activities and grew fearful of leaving home, even to go to the store or for a walk. She was affected by community gossip and felt judged by others. She became

uncomfortable around men and experienced physical reminders of the incident, including scratches on her neck that continued to trigger memories of the assault. The trauma also significantly affected her schooling and behavior. She found it difficult to concentrate and cope at school and became involved in conflicts with other learners. She describes being taunted by a fellow learner about the rape, which caused her immense emotional distress and anger. She often cried and struggled to control her emotions.

- [21] M[...] further states that the loss of her virginity in the assault left her feeling alone and vulnerable. She suffered from ongoing fear and anxiety, particularly at night. She experienced nightmares of being raped, felt unsafe in her own home, and was often too afraid to sleep. Even seeing windows at night triggered fear, and she remained constantly on edge because she could not relax or find peace of mind. Overall, M[...] explains that the rape has had a devastating impact on her emotional well-being, sense of security, education, relationships, and daily life. The trauma continues to affect her, leaving her with lasting fear, anxiety, anger, and emotional pain.

5 T[...] M[...] exhibit N

- [22] The incident had a devastating impact on the entire family, leaving them traumatized, shocked, and embarrassed. The family struggled to speak openly about what had happened, leading to ongoing tension, frequent arguments, and a breakdown of their previously harmonious relationships. They felt hopeless and never believed they would ever obtain closure. The victim's sister was particularly affected, becoming aggressive and short-tempered, getting into fights at school, and displaying defiant behavior at home. She suffered significant physical harm during the incident, being strangled while the perpetrator held a knife, and required medical treatment. Due to financial hardship, neither she nor her mother was employed, making it impossible to afford counseling and other related expenses. Although the family wished to relocate from the home associated with the traumatic events, they lacked the financial means to do so. Overall, the

incident caused severe emotional, psychological, physical, and financial consequences for the family.

6 M[...] S[...] exhibit O

[23] The death of D[...] has had a profound and lasting impact on her entire family. Her son, John, who was only 12 when he lost his mother, has experienced significant emotional trauma, including sadness, loneliness, confusion, and abandonment. He has become withdrawn, struggles to express his emotions, and his school performance has declined. Family members have united to meet his needs, but this has placed considerable financial strain on their limited resources. D[...]’s parents continue to suffer profound grief and remain unable to come to terms with their daughter’s loss. The emotional stress has negatively affected their health, leading to anxiety, illness, and emotional exhaustion. Her death also left a void among her siblings, who regarded her as a source of support and encouragement. Some of her brothers turned to alcohol in an attempt to cope with the pain of her loss and the unrealized potential of her life. The loss extends beyond the immediate family, as friends continue to mourn and remember her. The circulation of images related to her death on social media caused further humiliation and emotional distress for the family. Instead of receiving compassion during their time of grief, they were judged and ridiculed by some members of the community. Her absence continues to be deeply felt by all who knew and loved her.

7 M[...] T[...] L[...] exhibit P

[24] The victim was deeply shocked and traumatized by the incident. He felt helpless and ashamed because he was unable to protect his cousin and family, which

significantly affected his self-esteem and sense of security. Since the incident, he has developed a fear of walking at night and has begun smoking as a coping mechanism for the emotional distress he experienced. He remains fearful and continues to struggle with the trauma of almost losing his life. Before the incident, he was a happy, outgoing, and sociable young man with many friends. However, the trauma left him withdrawn, angry, and stressed. He no longer socializes as he once did, prefers isolation, and avoids nighttime social events. The incident also damaged the close bond he shared with his cousin, and the loss continues to cause him emotional pain. Physically, he sustained severe injuries that caused prolonged pain and required hospitalization. He experienced persistent pain in his head and right elbow, had difficulty sleeping, and felt that the treatment and medication at the public hospital were ineffective. At times, he could not afford additional medication due to financial constraints. The injuries also affected his ability to work, resulting in lost income and significant financial hardship. While unable to work, his bills accumulated, creating a substantial financial burden when he eventually returned to employment. Due to the severity of his injuries, he required assistance from others during his recovery. In addition, he incurred further expenses to replace his stolen cellphone and to purchase medication that was not adequately covered by the public healthcare system.

Arguments on behalf of the Defense

- [25] Counsel for the accused conceded that the offenses for which the accused has been convicted are serious in nature and warrant the imposition of a custodial sentence. He submitted, however, that the court should attach significant weight to the accused's personal circumstances, particularly his upbringing. Counsel argued that the accused grew up in a household characterized by domestic violence, where he regularly witnessed his stepfather assaulting his mother. This, according to counsel, ultimately led the accused to stab his stepfather and flee to reside with his uncle. It was further submitted that while living with his uncle, the accused was compelled to ingest traditional concoctions allegedly intended to

numb his conscience and suppress his fears arising from his involvement in criminal activities. Counsel contended that these circumstances contributed to the accused's troubled development and should be considered in mitigation of sentence. Counsel further submitted that the accused pleaded guilty and, in doing so, spared the victims the trauma of testifying and saved the court's valuable time and resources. It was argued that his guilty plea should accordingly be regarded as a mitigating factor. The court was also urged to take into account the accused's current psychological condition. Counsel submitted that the accused suffers from insomnia, depression, and recurring nightmares, and has previously entertained suicidal thoughts and attempted suicide. These factors, it was argued, should be given mitigating weight. In addition, counsel submitted that the accused had learned that he was conceived as a result of rape, a circumstance that, according to counsel, had negatively affected his emotional and psychological well-being. Counsel argued that, when all these factors are considered cumulatively, they constitute substantial and compelling circumstances justifying a departure from the prescribed minimum sentences. Regarding ancillary orders, counsel elected to leave the matter to the court's discretion. He further requested that any sentence imposed run concurrently with the sentence the accused is presently serving.

Arguments on behalf of the State

- [26] The State, on the other hand, submitted that the defense failed to establish the existence of substantial and compelling circumstances warranting a deviation from the prescribed minimum sentences. It was argued that, even when the accused's personal circumstances are considered cumulatively, they do not rise to the level of substantial and compelling circumstances as contemplated in the Criminal Law Amendment Act 105 of 1997, as amended. The State contended that the accused cannot attribute his criminal conduct to the environment in which he was raised. Rather, the offenses were the product of his own choices and conduct. It was submitted that the accused voluntarily engaged in substance

abuse and associated himself with a criminal lifestyle. The prosecutor further argued that the accused demonstrated little sense of responsibility. Despite earning money through various means, he failed to provide financial support for his children and instead spent his resources on drugs, clothing, gambling, and his own personal comforts. The State further emphasized the exceptionally brutal nature of the offenses committed by the accused. It was submitted that the offenses involved extreme violence, caused significant harm to the victims, and demonstrated a complete disregard for their dignity, bodily integrity, and constitutional rights. The State accordingly urged the court to impose the prescribed minimum sentences. In addition, the State applied for an order declaring the accused unfit to possess a firearm in terms of the Firearms Control Act 60 of 2000, and for the accused's particulars to be entered in both the National Register for Sex Offenders and the National Child Protection Register.

Evaluation of the totality of the information in relation to the imposition of a sentence.

[27] The sentence must be approached in accordance with the well-established triad formulated in *S v Zinn*, namely: the crime, the offender, and the interests of society, balanced with an appropriate measure of mercy. The interests of the victims, although not expressly part of the original Zinn triad, have become a crucial consideration in modern sentencing jurisprudence, particularly in cases involving sexual violence and gender-based violence.

1. The Seriousness of the Crimes

[28] The offenses committed by the accused rank amongst the most serious crimes known to our law. The accused was convicted of:

[28.1] Four counts of rape;

[28.2] One count of murder;

[28.3] Three counts of attempted murder;

[28.4] Two counts of robbery with aggravating circumstances;

[28.5] Two counts of housebreaking with intent to rape; and

[28.6] One count of theft.

[29] The offenses were not isolated incidents but formed part of a sustained pattern of violent criminal conduct against vulnerable female victims. Several aggravating features are present:

(a) Multiple Victims

[30] The accused victimized several women over different incidents. This demonstrates that the offenses were not spontaneous or opportunistic but reveal a pattern of predatory behavior.

(b) Violence Accompanying Sexual Offenses

[31] The rapes were accompanied by extreme violence. The accused:

[31.1] Armed himself with dangerous weapons;

[31.2] Used bricks, stones, and knives;

[31.3] Assaulted victims before raping them;

[31.4] Threatened victims with weapons; and

[31.5] In one instance caused fatal injuries.

The violence employed far exceeded what was necessary to facilitate the commission of the rapes and reflects exceptional brutality.

(c) Violation of the Sanctity of the Home

[32] Two victims were attacked in their homes after the accused forcibly gained entry. The home is the place where citizens are entitled to feel safest. Housebreaking with intent to rape followed by the commission of rape represents a particularly grave invasion of privacy, dignity, and security.

(d) Premeditation

[33] The murder was premeditated. The accused armed himself with a brick, attacked the deceased, dragged her to a secluded area, raped her, and left her for dead. Premeditation is a significant aggravating factor and explains why the offense falls within the ambit of section 51(1) of Act 105 of 1997.

(e) Previous Conviction for Murder

[34] Most importantly, the accused has a previous conviction for murder committed before the present sentencing proceedings. A previous conviction for a serious violent offense ordinarily demonstrates a failure to reform and substantially increases moral blameworthiness. Therefore, the offenses fall within the highest category of seriousness and strongly favor severe punishment.

2. Personal Circumstances of the Accused

[35] The accused's personal circumstances are comparatively unremarkable. The factors in his favour are that:

[35.1] He is 30 years old.

[35.2] He has two surviving children.

[35.3] He attained Grade 9.

[35.4] He grew up in a household characterized by domestic violence.

[35.6] He has a history of substance abuse.

[35.7] He reportedly suffers from episodes of fainting.

[35.8] He experiences nightmares and feelings of remorse.

These factors warrant consideration but carry limited weight.

(a) Childhood Circumstances

[36] The accused was exposed to domestic violence as a child.

While this is unfortunate, many individuals endure similar hardships without resorting to rape, murder, or robbery. The causal link between his upbringing and the offenses is weak.

(b) Substance Abuse

[37] The report reveals longstanding alcohol and drug abuse. South African courts have repeatedly held that voluntary intoxication or substance abuse generally constitutes little mitigation, particularly where it forms part of a chosen criminal lifestyle.

(c) Dependents

[38] Although the accused has children, the report indicates that he did not maintain or financially support them. Consequently, little weight can be attached to his parental responsibilities.

(d) Remorse

[39] True remorse is demonstrated through accountability and insight into wrongdoing. The accused elected not to testify in mitigation and therefore provided no evidence explaining:

[39.1] Why he committed the offenses;

[39.2] What insight he has gained;

[39.3] What steps he has taken toward rehabilitation.

His alleged remorse is therefore largely self-reported through the probation officer and remains untested. The court will accordingly treat it with caution.

(e) Prospects of Rehabilitation

[40] The prospects of rehabilitation appear poor. The accused admitted that:

[40.1] He engaged in theft and robbery from a young age;

[40.2] He associated with gangs;

[40.3] He abused drugs;

[40.4] He funded gambling and criminal activities through these crimes.

Most significantly, despite a prior murder conviction, he continued engaging in serious violent conduct. This demonstrates entrenched criminal tendencies rather than a realistic prospect of rehabilitation.

3. Interests of Society

[41] The interests of society strongly favour severe punishment. South Africa continues to experience alarmingly high levels of:

[41.1] Gender-based violence;

[41.2] Sexual offenses;

[41.3] Violent robberies; and

[41.4] Murders of women.

[42] Society expects courts to protect vulnerable members of the community, particularly women and children. The accused has demonstrated that he poses a significant danger to society, especially to women and children in this country. His conduct reflects:

[42.1] A willingness to use extreme violence;

[42.2] Repeated targeting of vulnerable women;

[42.3] Escalating criminal behaviour; and

[42.4] A disregard for the law and the rights of others.

The sentencing objectives of deterrence, prevention, and retribution therefore assume particular importance in this regard. Society requires protection from offenders who repeatedly commit violent sexual offenses.

4. Interests of the Victims

[43] The victims' interests are exceptionally important in this matter. The victim impact statements reveal the devastating consequences of the offenses. The victims suffered violations of:

[43.1] Dignity;

[43.2] Bodily integrity;

[43.3] Privacy;

[43.4] Freedom and security of the person; and

[43.4] Psychological well-being.

One victim lost her life. The surviving victims endured physical injuries, emotional trauma, fear, and humiliation. The impact extended beyond the individual victims to their families and communities. Particularly aggravating is that some victims were attacked within the safety of their own homes, while others were overpowered and assaulted in circumstances where they were vulnerable and

defenseless. The victim-centered approach to sentencing, therefore, strongly supports the imposition of substantial punishment in this regard.

5. The Measure of Mercy

[44] Mercy remains an element of justice, not sympathy. The concept does not require courts to ignore the seriousness of offenses or the suffering of victims. A proper measure of mercy requires the court to consider whether the accused possesses attributes that justify leniency. In this matter:

[44.1] The accused is not a youthful person.

[44.2] He is not a first offender.

[44.3] He has a previous conviction for murder.

[44.4] He committed multiple violent offenses.

[44.5] The offenses were committed against several victims.

[44.6] The offenses reveal a persistent pattern of predatory behaviour.

While the court should not sentence in anger, there is little in the accused's personal circumstances that warrants substantial mercy. The interests of justice outweigh considerations of leniency.

[45] Now, therefore, having said that, I will deal with whether there are substantial and compelling reasons to deviate from the minimum sentences applicable to the charges. The prescribed sentences apply to:

[45.1] Counts 1, 3, 4, and 6 (life imprisonment);

[45.2] Counts 5, 7, 8, and 11 (minimum sentence provisions);

[45.3] Counts 9 and 12 (robbery with aggravating circumstances).

[46] The test is whether all relevant factors, considered cumulatively, render the prescribed sentence disproportionate to the crime, the offender, and the legitimate needs of society. The factors potentially favouring deviation are:

- [46.1.1] Exposure to domestic violence;
- [46.1.2] Substance abuse history;
- [46.1.3] Limited education;
- [46.1.4] Relatively young age;
- [46.1.5] Alleged remorse;
- [46.1.6] Health concerns.

However, when weighed against the aggravating factors, they are overwhelmingly outweighed by:

- [46.2.1] Multiple rape convictions;
- [46.2.2] A planned rape and murder;
- [46.2.3] Extreme violence;
- [46.2.4] Housebreaking to commit rape;
- [46.2.5] Multiple victims;
- [46.2.6] Repeated attacks on women;
- [46.2.7] Robberies accompanied by rapes;
- [46.2.8] Previous conviction for murder;
- [46.2.9] Poor prospects of rehabilitation;
- [46.2.10] The need to protect society.

Viewed individually or cumulatively, the mitigating factors do not diminish the moral blameworthiness of the accused to such an extent that the prescribed sentences would be unjust or disproportionate.

Conclusion

- [47] Applying the Zinn triad, the victims' interests, and the principle of mercy, the aggravating factors substantially outweigh the mitigating factors. The offenses are exceptionally serious; the accused's personal circumstances carry limited mitigating weight; society requires protection from these accused; and the victims suffered devastating consequences. Accordingly, there are no substantial and compelling circumstances present in these facts that justify a deviation from the prescribed minimum sentences under section 51 of the Criminal Law Amendment Act 105 of 1997, as amended. The imposition of the prescribed sentences, including life imprisonment on the counts attracting such punishment, would be proportionate, just, and consistent with the objectives of sentencing.

Sentence

- [48] The following sentences are appropriate in the circumstances:

Count 1 accused is sentenced to life imprisonment

Count 2 accused is sentenced to 3 years' imprisonment

Count 3 accused is sentenced to life imprisonment

Count 4 accused is sentenced to life imprisonment

Count 5 accused is sentenced to 10 years' imprisonment

Count 6 accused is sentenced to life imprisonment

Count 7 accused is sentenced to 10 years' imprisonment

Count 8 accused is sentenced to 10 years' imprisonment

Count 9 accused is sentenced to 15 years' imprisonment

Count 10 accused is sentenced to 3 years' imprisonment

Count 11 accused is sentenced to 10 years' imprisonment

Count 12 accused is sentenced to 15 years' imprisonment

Count 13 accused is sentenced to 3 years' imprisonment

All these counts and sentences, including the one he is serving right now, will run concurrently.

[49] Ancillary orders

[49.1] In terms of Section 103 (1) of the Firearms Control Act 60 of 2000, the court makes no order. This means the accused is deemed unfit to possess a firearm.

[49.2] In terms of section 103 (4) of the Firearms Control Act 60 of 2000. The court makes an order for search and seizure of the accused's premises for firearms and ammunition in his possession, licenses, authorizations, permits, and or competency certificates issued to the accused.

[49.3] In terms of section 120(1)(b) read with (4)(a) of the Children's Act 38 of 2005, the accused is deemed unfit to work with children. The names of the accused must be entered into Part B of the National Child Protection Register.

[49.4] In terms of section 50(1)(c) of the Criminal Law, Sexual Offences and Related Matters Act 32 of 2008, the court orders that the names of the accused be entered into the National Register for Sex Offenders.

[49.5] In terms of section 299A (1) of the Criminal Procedure Act 51 of 1977, the court informs the complainants in this case that they have a right to make representations to the Commissioner of the correctional services when placement of the prisoner on parole is considered, to attend any relevant meetings of the parole board, when the accused's parole is to be decided.

This is subject to the directive issued by the Commissioner of Correctional Services under section 4 of the Correctional Services Act.

[49.6] The accused has the right to appeal the conviction and sentences that were imposed on him today. You can request the legal aid attorneys or an attorney whom you pay out of your own pocket to assist you in bringing a substantive application for leave to appeal the conviction and sentences within 14 days of this sentence.

M MUNZHELELE

JUDGE OF THE HIGH COURT

PRETORIA

Appearances:

Counsel For the State: Adv. V Tshabalala

Counsel For the Accused 1: Mr. MB Kgagara

Date of hearing: 20 - 23 April 2026

Date of Judgment: 12 June 2026