

Media Statement



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TO: ALL MEDIA

DATE: 23 OCTOBER 2017

RE: BROTHERS SENTENCED TO LIFE IMPRISONMENT & FIVE YEARS

On 11 October 2017 at the Mankweng Regional Court, Jimmy Phalantoa (31) was sentenced to Life Imprisonment in terms of Section 51 (1) of Act 105/1997 with his co accused Andries Thabo Phalantoa (24) who was sentenced to 5 years imprisonment in terms of Section 276 (1) (i) of Act 51/1977.

On the Christmas Eve of 2009 at about 22h00, the complainant who was 15 years-old at the time was walking on the street with an 18 year-old male friend when they were attacked by the brothers. Jimmy, the older brother dragged the complainant aside while Andries threatened the male friend with a knife. The male friend escaped and went home to sleep. The 15 year-old was then dragged to a nearby shack where she was repeatedly raped by both men. The brothers were known to the complainant and her male friend.

They both pleaded not guilty to the charges and the court found them guilty as charged.

The male friend passed away before the commencement of trial. The State Prosecutor, Adv Calvin Tjege handed in the J88 as evidence. The Forensic Nurse who examined the complainant after the incident also testified on her findings as recorded in the J88.

During sentencing the Victim Impact Report was handed in by the prosecutor in aggravation of the sentence. The social worker emphasised that the complainant still suffered from terrible nightmares due to the incident and found it difficult to actively participate in sexual activities. She said the family continued to live in constant fear and had to face emotional disruptions by supporting the complainant through her traumatic experience and paying for her medical costs. The pre-sentence report was also handed in.

The Probation Officer was also called to testify and he recommended a life imprisonment for Jimmy and 5 years for Andries in terms of Section 276 (1) (i) as he was a minor during the commission of the offence.

The Regional Court Magistrate, Ms Jane Ngobeni concluded that there were no compelling circumstances to deviate from the minimum sentence in terms of the older brother, Jimmy and sentenced him to Life Imprisonment. Andries was 16 years-old when he committed the offence which was taken as a compelling circumstance to deviate from the minimum sentence.

The NPA welcomes the sentence.

Kind Regards,

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