

Media Statement



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TO: ALL MEDIA

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RE: DNA PROFILING NAILS RAPIST

A 40 year-old man from Ratlou location in Thaba Nchu was on Friday sentenced to life imprisonment by the Thaba Nchu Regional Court after DNA samples had linked him to the rape of an elderly bedridden woman. Magistrate Magda Jacobs sentenced Tshepo Malefane for raping the complainant in February 2010.

According to evidence presented before the court, the accused broke into the house of the 76 year-old complainant who was staying alone and assaulted her badly before raping her. The complainant was not able to talk. She was found by one of her neighbours, with serious injuries to her body and the house was a mess as the complainant tried to defend herself from the accused.

The matter was reported to the police. The accused was unknown as the complainant could not identify him. DNA samples collected from the complainant matched with the samples that were collected in a case where the accused's ex-girlfriend had opened a case of rape against him. The girlfriend apparently withdrew the charges against the boyfriend after the DNA samples had been taken for testing.

He denied being responsible for the crime despite DNA linking him to the crime. Two private lawyers who initially represented him withdrew after he allegedly changed his versions. He was later represented by Legal Aid.

The State Prosecutor, Tshidi Sebolai called expert witnesses to testify in court because the complainant could not testify. She called the doctor who examined the complainant and a psychologist who testified on the condition of the complainant.

In aggravation, Sebolai requested the court to impose the minimum sentence as prescribed by law because the accused took an advantage of an elderly neighbour who was vulnerable as she was staying alone and could not talk and walk.

“The accused was very vicious in his attack on the complainant because she suffered serious injuries. She was severely traumatised by the incident. The only way the court could protect the community from the accused is to send him to prison for a long time. A sentence of life imprisonment will send a message to would-be rapists that the courts will punish them harshly for their crimes”, said Sebolai.

Magistrate Jacobs was in agreement with the prosecutor that the only appropriate sentence she could impose is life imprisonment as the accused failed to advance any compelling and substantial circumstances for imposition of a lesser sentence. She subsequently sentenced Malefane to life imprisonment.

Kind Regards,

Phaladi Shuping

Regional Spokesperson: DPP Free State

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