

# Media Statement



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**TO: ALL MEDIA**

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**RE: DIEGO NOVELLA SENTENCED FOR MURDER OF HIS AMERICAN GIRLFRIEND**

The Western Cape High Court sentenced Guatemalan national, Diego Carlos Estuardo Dougherty Novella to twenty years direct imprisonment for the murder of his American girlfriend, Gabriela Kabrins Alban.

The Court sentenced the accused after prosecutors, Advocate Louise Friester – Sampson and Advocate Mornay Julius, argued that the prescribed minimum sentence would not do justice to the brutal murder the accused was convicted of. They asked the court to use its discretion to go beyond the prescribed minimum as the accused brutally murdered the, humiliated her, there were no substantial and compelling circumstances to deviate from the prescribed minimum sentence, the accused failed to take responsibility for his crimes and show remorse and even blamed the deceased for her death. Judge Saldanha agreed.

Events to the murder started on the evening of 28 July 2015, as the couple had dinner at an Italian restaurant at the V&A Waterfront. The accused claims the argument was over money that the deceased had apparently owed him. At the hotel, he claims they smoked cannabis through a water pipe, he consumed what he described as "two bowls" that measured 1cm in diameter while the deceased smoked "one bowl". They thereafter each ingested a capsule filled with cannabis oil and had a line of Sceletium powder which he purchased at the Talk in Observatory.

The 44 year old Novella claims that his first recollection of events of 29 July 2015, day of the murder, was him entering room 14 shortly before 08h00. After an argument with his 39 year-old girlfriend who was asleep at the time, were over lights that being switched on and off. He claims he decided to leave the room and as he left, he saw her through the glass door and she appeared to have a grey aura around her face and

looked like "a demonic entity", the same as that of the protagonist in the movie "The Exorcist". He told the court that "she had a demonic expression and an anger expression". "It gave me the impression that Gabriela was possessed".

The accused claims that from that point onwards he again had no recall of his subsequent movements. His next recollection is when he returned to that room in the early afternoon. He testified that before entering the room, he heard "a voice" that told him to open the curtains in the bedroom where the deceased had been sleeping. The bed was positioned right next to the window. He proceeded to draw open the curtains completely. He claimed that he then saw "a demonic entity" getting up from the bed. He argued with the entity but could not recall what the argument was about.

The argument took place at the edge of the bed where he stood. The entity also stood at the bottom of the bed. He claims the entity then attacked him while he was at the edge of the bed. "It came on top of me towards me", he told the court. He defended himself and grabbed the entity with both his arms on its shoulders and turned to his right whilst forcing the entity down to the floor. He landed on top of the entity. "I strangled the entity, it was fighting back. It was trying to remove me from the top of it", he claimed. His next recollection was that he hit the entity on the face. When asked why he did so, his response was; "because I was fighting against the entity".

After he hit the entity in the face it stopped resisting, the entity thereupon stopped moving and he then realised "it was not moving and that it was probably dead". He threw chips at the entity and "defecated on the entity". He also recalled that he had placed a t-shirt on top of the entity and that he had put what he referred to as the hairdryer between the legs of the entity. He claimed he then decided to go down to the beach.

The accused claims that he did not know why he had put the chips on the entity and neither did he know why he had defecated on it. He also claims that he had "intermittently" seen a demon which was of a male gender. "The idea was intermittent demon, man, demon, man". "I knew something terrible had happened in the room. I wanted a white shark to eat me. I decided to leave the sea and I had a terrible sensation. I felt like all the people at the beach were looking at me."

He then went back to the hotel room. "I've realised what happened, Gabby was on the floor."

He claims that he called his father and told him his girlfriend was dead. He then hung up the phone. He then went to the reception where a receptionist asked him "how the

lovely lady was doing today” and he said “she’s dead”. She asked him how long she had been dead to which his answer was “just a couple of hours”. She asked him if he was okay to which he responded that he “was fine” and asked him if he wanted something to drink and he requested water.

He was later arrested and he had been in custody for three years and one month.

Advocate Friester- Sampson and Advocate Julius said: “The NPA has once again demonstrated its ability to ensure that the victims of crime receive justice. This case illustrates the often fatal consequences that many women around the world and especially women in South Africa, suffer at the hands of their abusive intimate partner. The prosecution in this matter has taken in excess of 12 months and we are indebted to all the agencies including the SAPS and the Health Services that have contributed to yesterday’s outcome. We are mindful that all families affected by this type of offence, including the family of the deceased, Gabriela Kabrins, place their trust in the NPA to tirelessly prosecute offenders in the scourge that is femicide. We are hopeful that today’s sentence will bring a measure of comfort to the family.”

Kind Regards,

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