

# Media Statement



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**TO: ALL MEDIA**

**DATE: 05 JUNE 2019**

**RE: FATHER SENTENCED FOR FATALLY SHOOTING OWN SON**

The father who told court that he mistakenly shot his biological son at Fred Norman High School in Ennerdale was sentenced to 10 years imprisonment, wholly suspended for 5 years by the Lenasia Regional Court yesterday, 05 June 2019.

Emmanuel Tshabalala said he took his son for extra lessons at the school and whilst waiting for his son, he fell asleep in his vehicle. He later woke up to a knock on the drivers' window and out of fear that he was being hijacked, shot at the person knocking on the window, only to realise later that he had shot his own son.

Tshabalala (51) pleaded guilty and entered into a plea and sentence agreement with the state in terms of section 105 A of the Criminal Procedure Act 51 of 1977 and was convicted accordingly yesterday.

Deputy Director of Public Prosecutions, Advocate Riegal Du Toit entered into the plea and sentence agreement with the view of securing a sentence that has reasonable prospects of passing judicial muster. Duly representing the state, Junior State Advocate, Nerissa Muller asked the court to consider that all pre-requisites were met and the accused has shown remorse by pleading guilty and had, at all times, co-operated with law enforcement.

The court ruled that the plea and sentence agreement was just as it met the basic elements as stipulated in the Act. The court found that the state and the defence entered the negotiations in good faith with the aim of ensuring that justice prevails. The court was satisfied that consultations with the mother of the deceased, the investigation officer and the defence were conducted by the prosecutor, wherein the accused was notified of their rights as per standard requirements of a plea and sentence agreement.

The court then confirmed the sentence as proposed in the plea and sentence agreement and sentenced Tshabalala to 10 years, wholly suspended for 5 years on condition that he is not convicted of the same offence. Tshabalala was further declared unfit to possess a firearm.

The NPA is satisfied that the sentence considered the seriousness of the offence, the interest of justice and that of society as well as the personal circumstances of the accused and therefore regards the sentence as just and fair.

Kind Regards,

**Hurbetin Phindi Louw-Mjonondwane**

**Regional Spokesperson: DPP South Gauteng**

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