

Media Statement



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TO: ALL MEDIA

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RE: FORMER LOVER SENTENCED TO 12 YEARS IMPRISONMENT FOR MURDER

Earlier in the day, the high Court sitting in Thohoyandou sentenced Freedom Khosa (29) of Ngove village in the district of Giyani to 12 years imprisonment for murder.

The offence was committed in the evening of 25 March this year at Nkomo village. The court heard that upon the accused's arrival at his former lover, Mavis Makhuvale's homestead, he pushed the door of the house and entered inside. He started to assault her and when the neighbours intervened, the accused would not stop. He continued to assault her until she collapsed and lost consciousness. He later took her to the local clinic where she was certified dead on arrival.

On 07 November, he pleaded guilty to murder and was subsequently convicted as charged.

In aggravation of sentence, the State Advocate, Nnyambeni Nekhambele referred the court to a case of *S v Matyityi* 2011 (1) SCAR 40 SCA para 13 in which Ponnan JA stated that: "Many accused persons might well regret their conduct, but that does not without more translate to genuine remorse. Remorse is gnawing pain of conscience for the plight of another. It is to the surrounding actions of accused, rather than what he says in court, that one should rather look. In order for remorse to be valid consideration, the penitence must be sincere and the accused must take the court fully into his confidence". He submitted to the court that the accused is not remorseful, but regretting for what he did to the victim. He further submitted that the accused failed to explain to the court as to how she sustained severe injuries depicted in the post mortem report. Advocate Nekhambele further submitted that the deceased was killed in a brutal manner and the court should impose imprisonment sentence which will not only deter the accused, but other community members to refrain from attacking women.

The court stated that personal circumstances of the accused taken cumulatively amounts to substantial and compelling circumstances justifying deviation from imposing the sentences prescribed by the Minimum Sentence Act, Act 105 of 1997. Consequently, he was sentenced to 12 years imprisonment.

The NPA welcomes the sentence.

Kind Regards,

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