

Media Statement



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TO: ALL MEDIA

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RE: FORMER PROSECUTOR TO GO TO JAIL FOR STEALING A DOCKET

Former public prosecutor, Jonas Phosoko, was sentenced to a five-year imprisonment by the Bellville Commercial Crimes Court. This follows Phosoko's conviction of theft of a police docket and of an attempt to defeat the administration of justice. He was sentenced to three years imprisonment for theft and two years imprisonment for attempt to defeat the administration of justice.

In January 2011, Mzamo Gam was arrested for driving under the influence of alcohol. He was released on bail and warned to appear at the Bellville Magistrates Court. The investigating officer sent the docket to the court on 25 January 2011 but he never received it back from the court. A search warrant was obtained on the same day to search the property of Phosoko. The docket was found in his house.

In June 2010, Mlahleni Mgingi was arrested for possession of dagga weighing 29, 182 kg at Freedom Farm F90, Bellville. The former Bellville Magistrates Court prosecutor stole the docket of this case from the office of his colleagues. The prosecutor later found out that the docket was missing. She asked Phosoko and he denied taking the docket. Given that the docket was missing, the prosecutor was forced to seek a postponement of the case. Phosoko then pretended to look for the missing possession of dagga docket in another courtroom and conveniently found it. The Senior Public Prosecutor of the court at the time, Advocate Thango Phangalela, confronted Mgingi and found out that the accused and Phosoko were in cellular phone communication. Their cellular phones were confiscated and it was found out that they were in contact on 22 and 23 November 2011.

Mgingi was found guilty of attempt to defeat the administration of justice and sentenced to five years imprisonment conditional suspended for five years. Advocate Derrik Vogel

argued in aggravation of sentence that the fact that the dagga case docket was removed resulted in the trial against accused not to proceed, which was an attempt in defeating the administration of justice.

The NPA welcomes the sentence and as confirmation of its commitment to root out corruption.

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