

Media Statement



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TO: ALL MEDIA

DATE: 10 OCTOBER 2018

RE: HUSBAND SENTENCED TO 25 YEARS IMPRISONMENT FOR WIFE'S MURDER

The North Gauteng High Court sentenced Khazamula Emanuel Baloyi (35) to 25 years' imprisonment for murdering his wife, Xolile Theodora Baloyi (29).

The accused was charged with murder read with the provisions of section 51(1) of Act 105 of 1997. From the onset, the accused submitted a Section 112(2) plea of guilty to murder. However, his plea of guilty was not accepted by the state as he maintained that he never planned murdering the deceased.

During trial, the court heard how on 08 February 2017, Xolile Theodorah Baloyi was stabbed 45 times by the accused in Orchards-Pretoria. The deceased's sister and the police officers found her in the main bedroom of the house that she and the accused shared. She sustained a total number of 45 incised wounds on her body. The accused was found in the bathroom of the main bedroom with apparent self-inflicted stab wounds to the chest and a laceration to the neck. A meat cleaver and butcher knives were found next to the accused.

A day before the incident, the accused was diagnosed with HIV. Thereafter, the deceased conducted some tests and tested negative. After she informed the accused about her HIV status, the accused stabbed her. Some of the stab wounds were from behind, totally inconsistent with the version of the accused that he was merely defending himself from the attack by the deceased. Therefore, the court found the accused guilty of murder in the form of *dolus directus* and not on the basis of premeditation.

In aggravation of sentence, the victim impact report compiled by Probation Officer, Ms Mogudi stated that the deceased's elder sister saw the signs of domestic violence and gave support to the deceased. She further stated that, most people who experienced violence in their relationship do not speak out.

In her address, State Prosecutor, Adv. Bakedi Maoke referred the court to the photo album that depicted the gruesome way in which the murder was carried out. She further argued that the accused did not take the court into his confidence about the true reasons for his actions. The accused blamed the deceased for what happened to her. She emphasized that the accused had attacked a vulnerable woman who deserved his protection before praying for the imposition of a sentence in excess of 15 years as prescribed by the Minimum Sentences Act.

Justice Hatting AJ agreed with the state submission and stressed that it was clear that Baloyi mercilessly stabbed the deceased and dismissed his version of self defence.

Kind Regards,

Hurbetin Phindi Louw Mjonondwane

Regional Spokesperson: Gauteng

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