

Media Statement



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TO: ALL MEDIA

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RE: KRUGERSDORP MAN SENTENCED TO LIFE PLUS 4 YEARS BEHIND BARS

A Krugersdorp man who gruesomely stabbed his girlfriend to death in November last year, was sentenced to life imprisonment by Acting Judge David Mhango at the Johannesburg High Court on 30 September 2019.

Ellias Modiselle (43) has been in custody since the murder of his former girlfriend, Belinda Legobye and was also charged with contravention of the Domestic Violence Act, for which he was sentenced to an additional 4 years imprisonment. He has no previous criminal record and did not testify in mitigation of his sentence.

Before Legobye's death, in October 2018, she had successfully applied for an interim protection order at the Krugersdorp Magistrate's Court against Modiselle who was abusing and threatening to kill her. However, on 12 November 2018, the accused contravened the protection order and went to Legobye's house armed with a knife. He stabbed her 24 times on her back. One of her neighbours was alerted by the screams and ran towards the deceased's place and on arrival saw the accused removing the knife from the neck of the deceased. She ran and immediately alerted the community members who arrived to assist, but it was too late.

In aggravation of sentence, the prosecution called the deceased's brother, Tebogo Legobye who told the court about his last telephonic conversation with his sister, who requested him to call the police as the accused was at her place threatening to kill her. He told the court about how her children have been financially and emotionally impacted by the death of his sister. He also explained how their father died of a heart condition after the death of his daughter.

Advocate Deborah Zinn, in her arguments for the harshest sentence, urged the court to consider the current pandemic of gender based violence and intimate femicide in this

country and the need to remove the accused from society saying: "there is no space in society for people that disregard the law and have no respect for the right to life".

The Acting Judge condemned Modiselle's actions, pointing out that he disobeyed the protection order, and said his version that Legobye might have had an affair with another man, did not give him the right to kill her.

Subsequent to the sentence, the defence counsel brought an application for leave to appeal which was opposed by the state and dismissed by the court.

Hurbetin Phindi Mjonondwane

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