

# Media Statement



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**TO: ALL MEDIA**

**DATE: 16 JANUARY 2019**

**RE: NORTHERN CAPE MAN SENTENCED FOR MURDER AND ATTEMPTED MURDER**

Today, a 38 year-old man from Kathu in the Northern Cape who was convicted of murder and three counts of attempted murder after driving into a group of four men with his car in what is believed to be a racially motivated attack, was yesterday sentence to an effective 22 years imprisonment by the Northern Cape High Court sitting in Kathu.

Acting Magistrate, Vernon Smith sentenced Harry Kotze to 15 years for murder of 20 year-old Elcardo Crew, seven years for attempted murder of Eshric Molino (20) and five years for each attempted murder of Liam Cloete and Convin Jager.

The court heard that on October 13, 2017, the deceased and the complainants on the three murder charges passed the house where Kotze and his friends were having a party. A verbal altercation between the deceased's group and that of Kotze and his friends ensued.

Kotze chased after the four men with his bakkie and ploughed it into them. Crew sustained serious injuries and he died on arrival at the hospital. Molino was seriously injured and his pelvic was broken. Cloete and Jager suffered minor injuries.

Kotze's defence was that of non-pathological incapacity due to intake of alcohol and drugs. However, State Prosecutor, Advocate Ndimphiwe Mxabo requested the court to reject the version of the accused because he chased the deceased and the complainants for a long distance in an area where there were a lot of trees but he did not hit any tree.

"The accused could manipulate the car in every direction the deceased and the complainants were running to which is a sign that he was in his sense. He was aware of his criminal actions because he removed one of the brackets of the car's spotlight and

hid it in his house. The bracket was found by the investigating officer during the search”, said Mxabo.

In his final argument, Mxabo argued that the accused’s vehicle was the one that was used to commit the offences, that the accused was the driver of the car, at the time he was driving, he had the necessary criminal capacity, the murder was pre-planned and the accused planned to use the car as a murder weapon.

Mxabo further requested the court to reject Kotze’s evidence and defence of amnesia leading to pathological incapacity as he was aware of his actions.

Acting Judge Smith was convinced that the state has proved its case beyond reasonable doubt and sentenced Kotze to 15 years for murder of Crew, seven years for attempted murder of Molino, five years for attempted murder of Cloete and another five years for attempted murder of Jager.

He ordered the two five year sentences for the attempted murders of Cloete and Jager to run concurrently with the seven years for attempted murder of Molino making Kotze’s sentence an effective 22 years. Kotze was declared unfit to possess a firearm.

The acting Director of Public Prosecutions in the Northern Cape, Advocate Abrie Botha has commended the good work done by the investigating officer, Warrant Officer Benjamin Fourie and Advocate Mxabo by ensuring that the deceased and the victims get justice.

Kind Regards,

**Phaladi Shuping**

**Regional Spokesperson: DPP Free State**

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