

Media Statement



Tel: +27 12 845 6000

Email:
media@npa.gov.za

Victoria & Griffiths
Mxenge Building
123 Westlake Avenue
Weavind Park
Silverton
Pretoria

www.npa.gov.za

TO: ALL MEDIA

DATE: 29 NOVEMBER 2017

RE: PRISONER SENTENCED TO 18 YEARS IMPRISONMENT FOR MURDER

On 16 November 2017, the High Court sitting in Thohoyandou sentenced John Mtileni (25) to 18 years imprisonment for murder and assault with intent to do grievous bodily harm.

The court heard that on the evening of 24 December 2016, in the Hlanganani Police holding cells, the accused, the so called cell boss, the complainant, the deceased and other inmates were incarcerated when the accused started instructing the complainant to undress his clothes and to do a complicated exercise manoeuvre which include standing on toes whilst touching a wall behind with his two thumbs. When the complainant failed, the accused started assaulting him with fists, booted feet and he further stabbed him with a sharpened tooth brush.

The accused further instructed the deceased, Avhatakali Dickson Mudau (55) who was admitted drunk into the cell to do the said exercise. The deceased failed the exercise and the accused started to assault him with a shoe, fists, and when the deceased fell to the ground, the accused kicked and trampled him on his chest. The assault lasted the whole night. The deceased was also made to drink water from a toilet.

The deceased was found dead in the morning. The complainant and three other inmates who witnessed the incident testified for the state and the accused testified in his defence.

Mtileni was found guilty on both counts of murder and assault GBH on 14 November 2017.

The State Prosecutor, Advocate Absah Madzhuta called the deceased's daughter to testify on aggravation. He submitted to court that the murder was callous, gruesome, in

violation of the complainant and the deceased constitutional rights to dignity, privacy and life. He further argued that there were no substantial and compelling factors in favour of the accused for the court to deviate from the minimum Act 105 of 1997.

The court sentenced the accused to 15 years imprisonment for murder and 3 years for assault with intent to do grievous bodily harm. The court further ordered the sentences not to run concurrently.

The NPA welcomes the sentence.

Kind Regards,

Mashudu Malabi- Dzhangi

Regional Spokesperson

Limpopo

074 823 3603

mmalabi@npa.gov.za