



National Prosecuting Authority
South Africa

2021/22

ANNUAL REPORT CASES



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NPA finalised cases 2021 – 2022

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Serious and violent crimes	35
Femicide and gender based violence	46
Child murders	9
Organised crime	13
Terrorism	1
Corruption, fraud and other related matters	29
Specialised tax	1
Environmental crimes	17
Copper theft and damage to essential infrastructure	4
Drug-related matters	1
Legal affairs division: noteworthy matters	1
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Serious and violent crimes

1. The State v Melisizwe Monqo and two others



The High Court of South Africa: Western Cape Division sentenced pastor Melisizwe Monqo (32), his wife Siphosihle Pamba (26) and hitman Phumlani Qhusheka (31) to long-term imprisonment following their conviction on charges of kidnapping, robbery with aggravating circumstances and murder.

This case involves a scam where Monqo and his wife took out life insurance policies on behalf of unsuspecting church members of God's Work International Ministries and planned their murders with the intent of benefitting from the pay-out, which amounted to more than R26.9 million.

Monqo was convicted on 26 charges for Hlompo Koloi's murder, robbery with aggravating circumstances, assault with intent to commit grievous bodily harm, housebreaking with intent to commit murder, illegal possession of a firearm, illegal possession of ammunition and 13 counts of fraud. He was sentenced to life and 252 years' and three months' imprisonment.

Pamba was convicted on 24 counts similar to those of her husband. In handing down judgement, Judge Saldanha said he was deviating from the prescribed minimum sentences for Pamba because she was also a victim who was abused by her husband and forced to participate in the crimes. Judge Saldanha also remarked that Pamba showed remorse, apologising to God, the family of Koloi and society. She did not participate in Koloi's murder. **Pamba was sentenced to an effective 20 years' imprisonment.**

Qhusheka was convicted on fewer charges, which included the murder of Koloi. Koloi's cell phone was found in his possession and her DNA was found on his bloodied clothes. The hitman and Monqo never showed remorse. **Qhusheka was sentenced to life and 63 years.**

All the accused were declared unfit to own a firearm.

2. The State v Thanduxolo Mbonyane



The High Court of South Africa: Western Cape Division convicted a police officer, Sergeant Thanduxolo Mbonyana, of murder and defeating the administration of justice.

Mbonyana had quarrelled with the deceased, Lusanda Mpumelelo Makosana, earlier in the day. He met up with Makosana later at a party at his girlfriend's house in Mandela Park, Khayelitsha. Without any further fighting, Mbonyana took out his service pistol and shot Makosana once in the chest. Makosana fell and Mbonyana shot him seven times more. He then tampered with the crime scene by trying to cover up the murder.

The Court ordered that life imprisonment imposed for the charge of murder must run concurrently with the seven years' imprisonment handed down for defeating the administration of justice. It further declared Mbonyana unfit to possess a firearm.

3. The State v Motseki Samuel Talasi



The High Court of South Africa: Western Cape Division sitting at the Knysna Magistrates' Court convicted Motseki Samuel Talasi of the murder of his stepdaughter, Sandisiwe Mona.

Sandisiwe lived with the accused's wife, Zukiswa Talasi, in Nokuthula, Plettenberg Bay. The accused stayed at a farm in Misgund where he worked and would only visit Nokuthula fortnightly. On the weekend of 13 April 2019, the accused visited Nokuthula, but his wife needed to attend the funeral of Sandisiwe's grandfather in Kareedouw and left her with the accused. In the early evening, Talasi called his wife, asked when she was coming back and told her that the deceased was not at home. This concerned his wife as Sandisiwe was not the kind

of child who stayed out late. When Sandisiwe could not be found, even after a search party of family and neighbours went looking for her, the wife reported her as a missing person at the local police station. The accused did not go on the search and left for Misgund on the Monday morning. Four months later, in August 2019, a human skull was found by a dog in some bushes in Laywood, Plettenberg Bay. The dog's owner, Vaughan Gerard Marais, called the local police. That same month, the accused told his wife, the mother of the deceased and a neighbour that he saw the deceased's clothes in some bushes in a vision. He asked them to go with him to look for the clothes, but they refused – 30 minutes later he returned with the deceased's shoes. One major discrepancy that the accused could not explain was that the shoes looked new, not like they had been outside in the bushes for four months. The next day he and his wife made statements at the police. The accused told the police and his wife that he had seen a vision of the deceased's body and a pink jacket. On 10 September 2019, Nokuthula residents and the rest of the family went searching for the girl's bones as they were getting desperate to arrange her funeral. The accused directed the search crew over the phone to where more bones could be found. Four days later, the deceased was buried in Joubertina. The accused was arrested a few days after the funeral. The state argued during the trial that the accused did not have visions but was speaking from his personal knowledge camouflaged as a vision.

Talasi was sentenced to life imprisonment.

4. The State v Kitsana



The accused was convicted for the murder of a police officer, aggravated robbery and money laundering.

A group of men robbed a taxi driver of his firearm and personal belongings and wounded him before abandoning him and his taxi. In a separate incident, the accused came across an off-duty police officer, Captain Keleman, who was in possession of his official police vehicle at the time. They accosted him in a secluded area, shot him and robbed him of his SAPS vehicle and other belongings. His female companion was robbed of her cell phone and instructed to get into the deceased's vehicle with the accused. The deceased's body was loaded onto the back of the bakkie but abandoned by the accused and his friends not

far from the scene. The deceased's wife had in the meantime reported his disappearance and a missing person's report was opened. The vehicle and the deceased's body were discovered the following day by a farm worker. At the time of processing the scene, the police had no evidence relating to the motive or identity of the possible suspects. The accused was arrested at a routine roadblock a month later for being in possession of the initial stolen firearm from the first, unrelated robbery incident, and the cell phone that was robbed from the deceased's female companion during the second robbery and murder incident. The ballistic report confirmed the fact that the deceased was shot by the same firearm.

The accused was sentenced to a cumulative life imprisonment.

5. The State v Dennis Sauls

This matter was finalised by means of a plea and sentence agreement in terms of section 105A of the Criminal Procedure Act (CPA) in the High Court of South Africa: Western Cape Division.

The accused received instructions from a leader of the Fancy Boys Gang to murder two teenage members of the same gang. Both deceased had witnessed a murder committed by Fancy Boys gang members and there was a fear that they were going to speak out about it. The deceased were picked up together in Hanover Park and, while being driven back to Manenberg where they all lived, the driver pretended that the vehicle had stalled. He asked the two deceased, who were seated at the back of the bakkie, to jump off and push the vehicle. They were executed while they were pushing the vehicle.

Sauls was sentenced to life imprisonment for each murder, 10 years' imprisonment for the possession of a firearm without a licence, and five years' imprisonment for the possession of ammunition.

6. The State v Johannes Boesak and two others



The George Regional Court convicted Johannes Boesak, Ryno Joubert, Hayworth Botha and Daniel Bruiners, who are all members of the 28s prison gang, of murder. On 31 October 2017, Boesak and the Graeme Fillies had an altercation. Boesak lost a finger after the Fillies hacked it off with a panga. He went to hospital and, when he was discharged, he wanted revenge. Boesak and his friends found the Fillies on 1 November 2017. They attacked him with a golf stick, panga and hockey stick. The prosecutor successfully argued that the accused planned the murder and acted in furtherance of a common purpose.

The accused were sentenced to life imprisonment and were declared unfit to possess a firearm.

7. The State v Ndzombaine

The accused was convicted of murder of an on-duty police officer and aggravated robbery. The accused and his accomplice committed a house robbery and stole the homeowner's vehicle. The particulars of this stolen vehicle were quickly circulated, and the accused and his accomplice were observed by two on-duty police officers, one of whom was the deceased, who had been on the lookout for this vehicle. The accused and his accomplice were stopped and, as the two police officers approached their vehicle, the accomplice fled the scene. He was chased by officer Ngete. The accused got out of the vehicle shooting and fatally wounding Sgt Kolela. He also fled the scene but was chased down and arrested not too far away with the firearm he had used in the shooting still in his possession.

The accused was sentenced to an effective term of life imprisonment.

8. The State v Heinrich Afrika



The accused was convicted on two counts of premeditated murder and contraventions of the Firearms Control Act 60 of 2000.

On the evening of 13 August 2015, Robert and Shaurina de Wet and Adrian Blankenberg were sitting on their stoep in Belhar when they were approached by the accused. He took out a handgun and shot Robert and Shaurina de Wet. Robert died instantly, while Shaurina died in hospital a few hours later. One of their dogs was also killed. Adrian Blankenberg managed to escape over the wall in the backyard. The area where the incident took place is gang infested. Three potential witnesses were too afraid to testify due to their fear of gang reprisals.

The matter was provisionally withdrawn due to a delay in the investigation of the matter and re-enrolled on 1 March 2022. The accused, who was out on bail, waited for six years to be prosecuted. He continued with his life and even fathered a child. The victims in this case were traumatised and unable to find closure while the criminal proceedings were delayed.

The accused was sentenced to two life imprisonments for the two murders, life imprisonment for the possession of a firearm, 18 months' imprisonment for the possession of ammunition, and 18 months' imprisonment for malicious damage to property.

9. The State v Kgotso Moeletsi and two others

The High Court of South Africa: North West Division convicted Kgotso Moeletsi (32), Muhammad Satar (19) and Adam Mohale on charges of double murder, conspiracy to commit murder, attempted robbery with aggravating circumstances, possession of a prohibited firearm and possession of ammunition.

Between September and November 2018, the accused conspired to rob the house and wholesale business of the Kathrada family in Schweizer-Renecke. A close family friend of the Kathrada family, Muhammed Satar, set the robbery in motion by providing inside information on Ahmed's movements on 1 November 2018, the day the crime was committed. The accused gained access to the Kathrada home when Ahmed Kathrada (29) entered the yard from the mosque. His mother, who at the time was home with her husband Yunus Kathrada (65), was opening the door for him when she heard his sudden scream. Yunus rushed out of the house to find out what the commotion was about and found his son shot. On giving chase to the suspect, who was trying to escape through the wall, he was also shot dead.

In sentencing, the court considered the Victim Impact Statement (VIS) prepared by Kathrada's widow, in which she explained the devastating effect the death of her family members had had on her life and the trauma of witnessing their passing. She had been forced her into closing down the family business, which resulted in her employees losing their livelihoods, as well as relocating from the town in which she had spent 37 years of her life.

The court found no substantial and compelling circumstances to deviate from the minimum sentence. During the trial, the accused showed no remorse. After he was convicted, Satar apologised to the Kathrada family. The State Prosecutor, Advocate Sello Maema, argued that all the accused were driven by greed in committing these callous and brutal killings and that their gruesome act was premeditated.

Moeketsi was sentenced to two life imprisonments plus 10 years, 15 years and three years, which will run concurrently. Satar was sentenced to 15 years on each count of murder and 10 years for attempted robbery with aggravating circumstances, which will run concurrently. **Mohale was sentenced to 15 years on two counts of murder, which will run concurrently.**

10. The State v Tseki and two others

Mojalefa Tseki (30), Thanki Dickson Motseki (29) and Ernest Pule Chambisso (36) were convicted of murder and robbery in the Bloemfontein High Court on 22 October 2021.

On 24 September 2018, Karl Reich was kidnapped from his residence in Welkom and robbed of his two vehicles. He was found murdered the following day under a bridge in a water tunnel in Pretoria.

The matter was handed over to Hawks' Serious Organised Crime Investigation in Bloemfontein for further investigation.

Tseki was sentenced to 25 years' imprisonment for pre-meditated murder and 12 years for robbery with aggravating circumstances. Motseki was sentenced to life imprisonment for pre-meditated murder and 15 years' imprisonment for robbery with aggravated circumstances. **Chambisso was sentenced to 25 years' imprisonment for pre-meditated murder and 12 years for robbery with aggravating circumstances. The sentences will run concurrently for each accused.**

11. The State v Lesesa



Lesesa (33) was found guilty of murder and assault with intent to cause grievous bodily harm.

Lesesa suspected that his girlfriend was cheating on him. On his way out of a tavern, he saw his girlfriend and another man, Odwa Magano, having a chat and concluded that Magano was the man having an affair with his girlfriend. He confronted Magano but, before the victim could answer, he stabbed him in the neck with a knife. Magano tried to run away but fell to the ground. He tried to plead with Lesesa not to hurt him, but Lesesa continued to kick him while he was on the ground.

The State submitted two VIS, one written by Magano's twin brother and one written by the mother of the 7-year-old nephew that was assaulted

by Lesesa. In the VIS, the twin brother said that the family is struggling since the death of Magano because he was the only breadwinner. The mother said that her child has been violent since the day he was assaulted by Lesesa.

Magistrate Matshediso Khuduga sentenced Lesesa to 12 years for killing Odwa Magano and eight years for assaulting his nephew.

12. The State v Katchidza



Katchidza, a Zimbabwean national, pleaded guilty to six counts of murder, three counts of rape, eight counts of kidnapping, eight counts of extortion, eight counts of robbery with aggravating circumstances and being in South Africa illegally.

A Pretoria serial killer, Katchidza planned his attacks and bludgeoned his victims to death. The crimes took place in and around Pretoria between January 2018 and December 2019. Kachidza lured his male victims by pretending to ask for their assistance with driving. He kidnapped them, demanded ransom money from their families and, after they paid him, he killed them. He pretended to offer employment opportunities to three female victims, lured them to a close-by bush or veld, raped them

and robbed them of their belongings.

Kachidza was arrested in January 2020 after an intelligence-driven operation and was later linked by DNA evidence to the rape counts. The State argued that Kachidza had brutally slaughtered his victims and that his actions had a severe impact on the lives of the rape victims as well as the family members of the deceased.

He was given life sentences for all eight counts of murder.

13. The State v Mzimasi Marasha



The accused was convicted of robbery with aggravating circumstances, two counts of murder, one count of kidnapping and unlawful possession of a firearm and ammunition.

On 1 May 2017, the accused, together with several unknown assailants, robbed the Shoprite store at Nyanga Junction on Duinefontein Road in Manenberg. They forced Shoprite employees into submission, assaulted and threatened them with firearms and forcefully took computer equipment, cell phones, clothing, cash and other personal property. During the robbery, Patrick Castle, a male security officer, as well as one of the assailants, was shot and killed.

The accused was sentenced to 15 years' direct imprisonment for robbery with aggravating circumstances, life imprisonment for murder, five years' direct imprisonment for possession of a firearm and possession of ammunition, and five years' imprisonment for kidnapping.

14. The State v Mahlangu and others

In the High Court: GLD, six accused were found guilty on four counts of murder, five counts of attempted murder and eight counts relating to the possession of unlicensed firearms and ammunition.

A group of 13 entered the Nancefield hostel armed with handguns, firing shots at any person that they came across. Four people were fatally wounded and five sustained gunshot wounds. Eyewitnesses identified some members of the group, which led to their arrest.

All 6 accused were sentenced to four terms of life imprisonment each.

15. The State v Mtshali and three others

The accused, all South African Police Service (SAPS) members stationed at Katlehong police station, were charged with murder and two counts of attempted murder. Accused 1 was also charged with corruption.

A minibus in which the deceased and other complainants were travelling was stopped by accused 1 and 2. Accused 1 asked for the driver's license and then demanded money to return it. An argument ensued and more SAPS members were called to the scene. The deceased and both complainants were arrested and taken to Katlehong North police station, where the deceased and two complainants were severely assaulted. They were later taken to hospital, but the deceased was declared dead in the SAPS vehicle. The cause of death was multiple blunt force injuries.

The accused were convicted and sentenced to an effective term of 15 years' imprisonment each.

16. The State v Ndlovu

The accused, Rosemary Ndlovu, was charged with six counts of murder, three counts of defeating the ends of justice, four counts of fraud, one count of conspiracy to commit murder and eight counts of attempted murder, alternatively conspiracy to commit murder.



Ndlovu was a SAPS Constable stationed at Tembisa South police station's uniform branch. The deceased and complainants in this matter are all relatives of or had a relationship with the accused. The accused held numerous insurance policies for the deceased and complainants with the exception of the deceased in count 11 and the child complainants in counts 15 to 19. Most of these insurance policies were taken out by the accused shortly before the deaths of the deceased or the conspiracies to murder the complainants occurred. The accused received approximately R1 384 959.00 from claims she submitted to

various insurance companies after the deaths of the deceased. Some claims were refused by the insurance companies for various reasons.

The State's case against the accused in respect of some of the murder counts was circumstantial, based on the accused's modus operandi: taking out various insurance policies to cover some of her relatives as well as her life partner and then either arranging and paying for hitmen to kill those individuals, or killing them herself for financial gain.

She was convicted and sentenced to six terms of life imprisonment plus an additional 135 years.

17. The State v Jacques Van Vuuren, Suretha Brits, Enrich Daffue Williams and Amantle Daylan Bareki



Van Vuuren entered into a plea and sentence agreement in terms of section 105A of the Criminal Procedure Act and was convicted of murder and robbery with aggravating circumstances in the High Court Kimberley. Brits also entered into a formal plea and sentence agreement with the State after initially indicating that she would plead not guilty on all charges. She was convicted of murder and robbery with aggravating circumstances in the High Court in Upington. Williams and Bareki were convicted of murder, robbery with aggravating circumstances and unlawful possession of firearms.

On 6 October 2020, the body of Leon Brits (a well-known hotelier, businessman and farmer), was found floating in the swimming pool of his home in Pofadder. He was stabbed and strangled. Several items, including firearms and money,

were missing from his house. The police arrested Jacques van Vuuren shortly afterwards in the Western Cape. As a result of what Van Vuuren told the police and on the strength of additional evidence, three additional people were arrested, including the wife of the deceased, Suretha Brits. Brits had approached Van Vuuren and requested his assistance in the murder of her husband. Van Vuuren engaged the services of Enrich Williams and Amantle Bareki. On 6 October 2020, Van Vuuren dropped Williams and Bareki at the home of the deceased in Pofadder while he was not there. His wife called him later that morning and lured him home. Williams and Bareki were waiting for him, attacked him and killed him. Several items were taken in a staged robbery. Van Vuuren was sentenced to a total of 40 years' imprisonment, 20 years' imprisonment effectively. Brits was sentenced to 40 years' imprisonment, 25 years' imprisonment effectively. The trial against Williams and Bareki proceeded in the High Court, Upington, after both pleaded not guilty, with Brits and Van Vuuren testifying as state witnesses. **Williams and Bareki were sentenced to life imprisonment and an additional 23 years' imprisonment.**

18. The State v B Ortell

The accused pleaded guilty in terms of section 105A of the CPA to counts of murder and theft. On 13 April 2017 at St. Augustine Road in Kimberley, the accused attacked Ridhwaan MacKay with a cricket bat, tied him up and covered his mouth with a cloth. MacKay sustained injuries to his head and was unconscious when he was tied up. The accused and Leonardo Andrews placed the deceased in the boot of Andrews' vehicle and drove towards the R301. They dumped the deceased's body in a field next to the road and set it alight. The accused also stole a Samsung cell phone belonging to the deceased.

The counts were taken together for sentencing and the accused was sentenced to 18 years' imprisonment, of which five years were suspended for five years on condition that the accused does not commit an offence in which violence is an element of the crime.

19. The State v Shange and two others

The Pietermaritzburg High Court convicted Sipho Shange (45), Sthembiso Zondi (28) and Sphehile Gasa (28) of murder, attempted murder, robbery with aggravating circumstances, house breaking with intent to rob, malicious injury to property and unlawful possession of firearm and ammunition for a string of offences they committed in August 2019 in the Plessislaer area in Pietermaritzburg.

On the day of the incident, the men robbed a business premises in Emgodini, shooting the cashier and two other patrons. They then went to two neighbouring houses where they fatally shot two other people and injured a third before fleeing the scene. Zondi was arrested the following day when police found him in possession of a firearm and ammunition. His two accomplices were subsequently arrested. In court, Advocates Yoliswa Nyakata and Annelise Harrison led the testimonies of eyewitnesses, as well as ballistic evidence linking the firearm to the commission of the offences.

Shange was sentenced to five terms of life and 65 years' imprisonment, Zondi was sentenced to four terms of life and 73 years' imprisonment and Gasa was sentenced to four terms of life and 55 years' imprisonment. The sentences will run concurrently.

20. The State v Gumede

The accused was charged with home invasion and housebreaking with intent to steal. The two victims in this matter were in their late 80s and 90s and were unable to attend court because of COVID-19. A Microsoft Teams portal was set up in their home and evidence was led on this virtual platform. This paves the way for the cyber environment to be used in criminal cases. The prosecutor, Mr Moutan, also linked a housebreaking docket from 2015 to his current case and, through great teamwork with SAPS investigator Sergeant Shezi, achieved a conviction.

The accused was sentenced to 13 years' direct imprisonment for home invasion and five years' direct imprisonment for housebreaking with intent to steal.

21. The State v Fisokuhle Nkani Ntuli



The Esikhwini Regional Court convicted Fisokuhle Nkani Ntuli (32) on six counts of murder, one count of attempted murder, two counts of possession of a prohibited firearm and two counts of unlawful possession of ammunition. Ntuli committed several murders in the Nongoma area between 2015 and 2018. In April 2015, Ntuli killed Bhutiza Sandisa Mahlobo; in May 2016, he killed Goodwill Bheki Nyembe and attempted to kill Nyembe's wife, Nolwazi Ngomezulu; in January 2017, Ntuli killed brothers Sibusiso Phiwayinkosi Zulu, Mcebisi Zulu and Sibusiso Elvis Zulu, who were witnesses in Nyembe's murder case; and he killed Sphamandla Mthokozisi Zungu in August 2018.

Representing the state, Adv. Cyril Selepe, the Deputy Director of Public Prosecutions, led eyewitness and ballistics evidence, as well as the testimony of SAPS officials. Adv. Selepe also admitted VIS facilitated by Court Preparation Officer Ntombi Chonco and compiled by members of the victims' families. All the statements alluded to the horrific and violent manner in which the victims were killed, with the family members saying that Ntuli had no right to take the lives of their loved ones. They also described the emotional and financial hardships they have had to encounter due to the loss of the breadwinners in their families.

Ntuli was sentenced to six life terms and 39 years' imprisonment. In sentencing Ntuli, Magistrate Madida mentioned that Ntuli must only be considered for parole after serving 25 years in prison.

22. The State v Fikile Mengo and three others

The accused were charged with murder and robbery with aggravating circumstances in the High Court in Port Elizabeth.

Accused 1, Fikile Mengo, worked at the house of the deceased. He arranged with accused 2, 3 and 4 to rob and kill the deceased. On 20 August 2015, accused 1, who was on duty at the house, waited for his co-accused to arrive at the premises. They tied up the domestic worker, Nolukhanyo Mafuduka, before searching for the deceased, Denise Webber (80). They bound her hands and feet with cables and strangled her to death. They plundered and ransacked the house, stealing items worth R120 000. It was through Mafuduka's evidence and cell phone triangulation that the accused were arrested and charged.

The accused were sentenced to life imprisonment for the murder and 15 years' imprisonment for the robbery with aggravating circumstances.

23. The State v Lunga Welkom and Masixole Mbeki

The High Court in Port Elizabeth convicted Lunga Welkom (30) and Masixole Mbeki (30) for murder, house breaking with intent to rob, robbery with aggravating circumstances, kidnapping, fraud and money laundering.

Johnie William Marx ran a garden service from his residence in Jeffrey's Bay. During the afternoon of 11 November 2019, Welkom and Mbeki visited Marx's house purporting to look for employment. Marx told them there were no vacancies. The two decided to return the following day at about 7am with the intention of breaking and entering Marx's house; they agreed that they would rob Marx if he was at home. Marx was alone as his wife, Yvonne, was staying with their daughter, Advocate Zelda Swanepoel, while recovering from surgery. Armed with pepper spray, they waited until Marx opened the automated garage door from the inside. They sprayed Marx in his face with the pepper spray, forced him inside the garage and closed the door. They assaulted him with blunt objects and tied him up in a chair. Marx was then forced to disclose the pin number of the two ABSA bank cards in his wallet. The accused ransacked his house and stole a number of items, including a cell phone and jewellery. The two shoved clothing from the house into Marx's mouth to gag him. The items were taped around his mouth and head to keep them in his mouth. They then took a plastic packet, placed it over his head and sealed it with tape. His arms and legs were tied to the chair and his head was drawn to the back and also tied to the chair. He was covered with a towel, which was also bound by rope. Ultimately, his body was covered by two thick blankets to conceal him. The post-mortem revealed that Marx died from suffocation. The pair made cash withdrawals and payments with the two ABSA cards for luxury items to the value of just over R22 000. During the evening of 12 November 2019, Marx's relatives became worried when he did not answer phone calls. At their request, the security company went to check on him and discovered his body. Welkom and Mbeki were arrested on 14 November 2019 by the local Directorate for Priority Crime Investigation. This matter was particularly close to home as it was the father of NPA Advocate Swanepoel who was murdered in such a cold, callous and brutal manner.

Welkom and Mbeki were sentenced to life imprisonment for murder, five years for house breaking with intent to rob, 15 years for robbery with aggravating circumstances, three years for kidnapping, five years for fraud and one year for money laundering.

24. The State v Kristina Adler and Yens Leunberg

The accused were charged with murder and two counts of fraud.

The accused are both German nationals who befriended a German couple, the Shroeders, who lived in Gqeberha. They pretended that they had sufficient money to purchase a farm from the Shroeders and moved onto the farm whilst the purchase deal was underway. Over a period of one year, they made several false representations to the Shroeders as to why the purchase price for the farm was not forthcoming. On 14 August 2009, Mr Shroeder went to the farm to meet with the accused and was not seen again. The deceased's body was never found, and the entire case was based on circumstantial evidence.

The trial started on 2 March 2015 and lasted 172 days – it was eventually finalised on 13 August 2021. Mutual legal assistance was requested from Germany and Switzerland; the evidence was received and eventually accepted by the court.

Kristina Adler was sentenced to six years' imprisonment on the count of murder as accessory after the fact and 10 years' imprisonment on each of two counts of fraud. Yens Leunberg was sentenced to 25 years' imprisonment for murder and 13 years' imprisonment on each count of fraud.

25. The State v Bonginkosi Godfrey Lucky Ngobeni



Bonginkosi Godfrey Lucky Ngobeni was convicted of murder, robbery with aggravating circumstances, impersonating a police officer, attempted murder and common assault.

Ngobeni terrorised the residents of Homu, Mageva and Xamfana villages. He shot and killed Constable Jonas Sevha Chabalala of Tzaneen uniform branch and shot the deceased's girlfriend. He took the deceased's uniform and used it to rob unsuspecting victims of their cell phones and vehicles. In another incident, he robbed an old man of his firearm, a box of bullets, three cell phones and money amounting to R10 000 by pretending to be a police officer.

The accused was arrested on 25 December 2010 in Gauteng.

Ngobeni was sentenced to life imprisonment for murder, 15 years on each of the four counts of robbery with aggravating circumstances, two years for impersonating a police officer, five years for attempted murder and one year for assault common.

26. The State v Mzila Mchazeni Simakahle



The accused pleaded guilty to two counts of murder, unlawful possession of a firearm and unlawful possession of ammunition.

The accused was a hired hit man from Nkandla village who was hired to kill taxi owners Ndivhudza William Nethononda and Nthambeleni Peter Tshishonga in Thohoyandou. In his plea explanation, he explained that he is often hired by taxi owners to kill their adversaries and he would be rewarded with money. He would usually kill five people per assignment. In this matter, he was promised a Quantum taxi as reward.

The accused was sentenced to two terms of life imprisonment for the murders, five years for unlawful possession of a firearm and two years for unlawful possession of ammunition.

27. The State v Sipho Khumalo, Philemon Makwana and Thabo Mokgala



The accused persons were convicted of murder, attempted murder and malicious damage to property.

The incidents occurred during the night of 2 April 2018, when four men and two women were burnt beyond recognition after the Segweka bus service was set on fire while collecting Modikwa platinum mineworkers at Driekop village outside Burgersfort. More than 55 occupants were inside the bus when it was set alight.

The accused were sentenced to life imprisonment on each of six counts of murder, 10 years on 47 counts of attempted murder and five years on a count of malicious damage to property.

28. The State v Percy Tlamama



Percy Tlamama (28) pleaded guilty and was convicted of murder, robbery with aggravating circumstances, kidnapping, possession of unlicensed firearm and possession of ammunition.

On 26 to 28 December 2017 Percy Tlamama shot Moekwa at his house, robbed him of his livestock and used his Toyota Hilux bakkie as a getaway vehicle. In January 2018, Tlamama approached a couple in their car at gunpoint. He hijacked them, took them to Bronkhorspruit and demanded a bank card and pin code. He withdrew R8000 from the complainant's bank account. He took the complainants from Bronkhorspruit to Senotlelo village, where one of the complainants escaped, and he left the other complainant at Maganagobuswa village.

He then travelled to Mamelodi using the complainant's vehicle, where there was a shootout between him and the police. He then abandoned the motor vehicle and fled the scene on foot. The state advocate, Tebogo Molefe, led the evidence of Tlamama's friend who told the court that Tlamama confessed to him that he robbed and killed Moekwa in December 2017. The friend further testified that Tlamama was driving a vehicle without a registration and was in possession of a firearm, which all matched those of the deceased.

Judge Bruce Langa sentenced Tlamama to life imprisonment for murder, 15 years' imprisonment for each count of robbery with aggravating circumstances, 10 years' imprisonment for kidnapping, five years for unlawful possession of a firearm and another three years for possession of ammunition. The court also declared him unfit to possess a firearm.

29. The State v Luthando Tana



The accused was convicted of housebreaking with intent to rob, robbery with aggravating circumstances, assault with intent to do grievous bodily harm and murder in the Port Elizabeth High Court.

The accused, who was roaming Rowallan Park opportunistically, forcefully entered the home of the victims, David (77) and Martha Snyman (83), through the kitchen door. Once inside, he demanded money and valuables. When Mr Snyman resisted, the accused pushed him aside and he sustained injuries from hitting the wall. On hearing the commotion, Mrs Snyman came from the bedroom and was accosted by the accused, who demanded money and valuables from her. In

his attempt to get to the valuables, which were in the bedroom, the accused pushed the deceased with such force that she hit her head and fell to the floor, where she died. The accused robbed the deceased and Mr Snyman of R1000 in cash, two Nokia cell phones, two gold wrist watches, gold rings valued at R11 000 and a jacket.

The accused was arrested five days later after the stolen items were traced to him. Because the deceased had an ischaemic heart disease, the matter was based on the "eggshell skull" rule (which states that an accused's liability is not reduced just because the victim is or was more susceptible to injuries). **The accused pleaded not guilty, and the trial proceeded.**

The accused was sentenced to an effective 20 years' imprisonment.

30. The State v Brian Mudyiwayana



The accused, a Zimbabwean national, was convicted of six counts of murder, one count of robbery with aggravating circumstances and two counts in terms of the Refugees Act, 130 of 1998, which were all committed between 2010 to 2017.

During the marathon trial, the State called several witnesses in support of the charges. In respect of one count of rape, it was held that although there was a strong suspicion that the deceased had been raped, suspicion was not enough to support a finding of rape.

During sentencing proceedings, the State called several witnesses in aggravation of sentence and handed in VIS. The prosecutor led the evidence of Lt Col Elmarie Myburgh from the SAPS Investigative

Psychology Unit, who confirmed that the accused is a serial killer who would likely not be rehabilitated.

On 28 February 2022, the accused was sentenced to six life imprisonment terms for the murder charges, two years' imprisonment for the refugee charges and 15 years' imprisonment for the robbery charge.

31. The State v Lebohang Mbola and another

The accused were convicted on 4 counts of Attempted Murder, 2 counts of Murder, 1 count of Fraud, 1 count Possession of unlicensed Firearm and ammunition each.

The accused lived together in a domestic partnership at NU17 in Mdantsane and so did the 2 deceased who lived in NU14 Mdantsane. Lebohang Mbola was divorced from the Themba Mbola and the second accused, Mthunzi Mbelwana, was a retired police official.

Both accused took out funeral insurance policies against the life of the Themba. They were found to have conspired to murder the accused and secretly submits claims against the benefits from the policies. On 27 December 2017 the accused forced entry into the home of the deceased at NU14. Inside the house was the deceased couple, their 3 minor children and a tenant, David Takaindisa. Mbelwana shot Themba Mbola in the head and set him alight after which they set Andiswa Mhlontlo alight. The 2 accused fled the scene with their unknown accomplice and Lebohang Mbola ended up in hospital where she was arrested. Themba died at the scene and Andiswa Mhlontlo died in hospital the following day and told visitors in hospital that the 2 accused attacked them in the house. Mbelwana was the beneficiary in respect of both policies and submitted claims for R70-000 and R60-000 respectively.

Mbelwana was arrested months after on instruction of the NPA.

At trial in the High Court in Bhisho, the utterances by the Mhlontlo were admitted on application by Adv Deolin Willemse, appearing for the State.

After conviction the accused were sentenced to an effective term of 30 years' imprisonment.

32. The State v Kagiso Moeng



The High Court of South Africa, North West Division convicted Kagiso Moeng of murder, arson and housebreaking with intent to murder. On 30 March 2019, Moeng broke into his ex-girlfriend's home in Kanana near Orkney. She was not there but the house was occupied by the ex-girlfriend's mother, Beatrice Nkonza (62), and her nephew, Angelo Nkonza (10). When Moeng realised the girlfriend was not home and her whereabouts were unknown, he poured petrol on the house, locked the two occupants inside and left them to burn. The mother was certified dead on the scene while the nephew passed away three weeks later in hospital from severe burns. The police managed to get a statement from the nephew before his death.

Moeng was tracked down by police and arrested in April 2019. He was denied bail and pleaded not guilty to all charges. In aggravation of sentence, Adv. Mike Mokone urged the court not to deviate from the minimum prescribed sentence as the offence was pre-planned and Moeng showed no remorse for his actions.

Moeng was sentenced to two life terms for murder, 10 years for arson and five years for housebreaking with intent to murder. After sentencing, Moeng applied for Leave to Appeal but the application was dismissed.

33. The State v Levy Suping Selebogo



The High Court of South Africa, North West Division convicted Levy Suping Selebogo (39) of the murder of Keitumetse Nkgothoe (75). Nkgothoe was found in her home at Gopane village with an injury to her head in the early hours of 16 March 2018. She was rushed to a nearby clinic where she was certified dead. The post-mortem report revealed that she died from head injuries and broken ribs. Following the murder, members of the community took the law into their own hands and allegedly killed Lloyd Nkgothoe (25) after wrongfully accusing him of murdering the old woman. A thorough investigation and collaboration between the police and Advocate Baitse Chulu resulted in the arrest of Selebogo, whose fingerprints were discovered on the sliding-door

where he had gained entry. At the time of committing this crime, Selebogo was on parole after being sentenced to 18 years' imprisonment for house robbery in 2004.

In mitigating for a maximum sentence, Advocate Chulu argued that Selebogo's action was premeditated and deserves the harshest sentence stipulated in the legal framework. In passing out sentencing, Judge Ronald Hendricks expressed dismay at the gruesome manner in which Selebogo murdered Nkgothoe within the security and comfort of her home.

Selebogo was sentenced to seven years' imprisonment for house breaking and intent to rob and murder, 20 years for robbery with aggravating circumstances and life imprisonment for murder. The court also declared him unfit to possess a firearm in terms of section 103 of the Firearms Control Act.

34. The State v Mndawe



The Mpumalanga High Court convicted Julius Thabiso Mndawe (28) from Masoyi on five counts of premeditated murder and five counts of defeating the ends of justice.

Between January 2018 and May 2019, Mndawe killed Tokie Tlaki (24), Banele Khoza (15), Noxolo Mdluli (17), Felicia Ndlovu (17) and Nomthandazo Mdluli (19) and buried their bodies in shallow graves in his place of residence in Numbi village near Masoyi. All the victims were reported missing by their families. The accused was arrested in July 2019 after he was found in possession of Tlaki's cell phone. He confessed to the police by pointing out the graves of the other victims.

Adv. Zweletu Mata argued that the murders were premeditated because

all the victims were young women who had been killed and buried systematically in the accused's yard. The post-mortem reports also revealed that there was a certain pattern in how the victims were killed. VIS from the families detailed how the murders of their loved ones had affected them.

The accused was sentenced to life imprisonment on each count of murder and five years' imprisonment for each count of defeating the ends of justice. He was declared unfit to possess a firearm as part of the sentence.

35. The State v Bebe



The accused was convicted of two murders, attempted murder and five robberies.

The accused and friends fired random shots in a tavern killing two people. They left with two women but decided the women could identify them, so the accused shot both women in the head. Miraculously, one survived. The accused and his friends then highjacked a vehicle and robbed the occupants.

The accused was sentenced to three life terms and 23 years, as well as another five years and 15 years, with a determinate sentence of 36 years' imprisonment. The murder of the investigating officer is currently being investigated and evidence points to the accused having ordered a hit on him.

Femicide And Gender Based Violence

1. The State v Pogiso Daniel Modiboa

The High Court of South Africa: North West Division convicted Pogiso Daniel Modiboa (24) on charges of murder, rape and robbery.

On 25 June 2019, Modiboa went to the house of Oupa Ndarala (68) at Tlhabologang location in Coligny, attacked him with a knobkerrie and stole the old man's bicycle and radio before fleeing the scene. As he was fleeing, he saw Ndarala's sister on her way to town. He dragged her into nearby bushes, raped her and hit her on the head with a big rock before leaving. She died on the scene from head injuries. After seeing Modiboa in town, Ndarala alerted the police who later arrested the accused.

In February 2020, the case was provisionally withdrawn from the court roll for further investigations. On 22 August 2020, Modiboa attacked a 19-year-old girl who was 8 months pregnant, dragged her to his house and raped her twice. She managed to escape and reported

the matter to the police, who later arrested him.

On 5 August 2021, he pleaded guilty to all charges. In aggravation of a maximum sentence, Advocate Benny Kalakgosi urged the court to have the accused recorded on the register of offenders who abuse older persons.

Modiboa was sentenced to three terms of life imprisonment for murder and rape, and a further 15 years for robbery. The court also declared him unfit to possess a firearm.

2. The State v Tshabalala



Tshabalala was convicted of rape and murder in the High Court: GLD. The accused was the son of the boyfriend of the deceased, Olga Mbalo. Mbalo was at her boyfriend's house, who was not home at the time. The accused argued with the deceased, which escalated into a physical altercation. Relatives of the accused tried to intervene and went to the neighbours to seek help. The deceased was overpowered by the accused, who pushed her to the ground and raped her. He then stabbed her multiple times before fleeing the scene. The accused was sentenced to 28 years' imprisonment.

3. The State v Komane

John Komane (34) was convicted on five counts of robbery and rape in the Bloemfontein High Court.

Komane was accused of terrorising residents of Kopanong, in Mangaung in the Free State, between 2013 and 2015. He targeted victims aged between 16 and 34, broke into their houses, raped them and robbed them of their valuables. Forensic evidence collected by the investigating officer placed Komane at the crime scenes.

In August 2019, Komane was traced to prison where he was serving a 15-year sentence for murdering a 68-year-old woman. He was sentenced to a further 35 years' direct imprisonment, of which he will serve 28 years.

4. The State v Pune

The accused was convicted of rape, sexual assault and robbery with aggravating circumstances. Pune, who is known as "Gunman" in Majwemaseu Township, broke into the house of a 26-year-old woman, threatened her with a knife and instructed her to take off her clothes. He first raped her in her bedroom and ordered her to take a bath after the incident. He raped her again after she took a bath, once in the living room and once in her parents' bedroom. He stole a DVD player and told her that he would come back later with friends to take a microwave. In a second incident, Pune saw the complainant walking home with her friends at around 2pm. The complainant knew Pune because they were once in a relationship. Pune grabbed the complainant's arm and tried to undress her, but she managed to get away and reported the matter. Pune was arrested and he was linked to the first incident by DNA.

Pune was sentenced to life imprisonment for rape, 12 months for sexual assault and 15 years for robbery with aggravating circumstances.

5. The State v Akanyang Rakodi

The High Court of South Africa: North West Division sitting in Mogwase Circuit Court convicted Akanyang Rakodi (41) on charges of murder and rape.

Khumontle Mokgosi (25), a schoolteacher at Magong village in Rustenburg, was found murdered in June 2020 with her hands and feet tied. Her body was discovered after she failed to arrive at work, and her principal asked members of the community to look for her. Rakodi was arrested during an operation driven by Crime Intelligence and other law enforcement agencies in the Bojanala District. During the arrest, he was found in possession of the deceased's bank card, money he had withdrawn from the card and items he had purchased with the card, as well as two cell phones belonging to the deceased.

Advocate Sello Maema argued that the offences were premeditated and that Rakodi had committed a heinous act against a defenceless and innocent victim who had played a significant role in the community. He also expressed dismay at the lack of remorse displayed by the accused.

Rakodi was sentenced to two life terms on charges of murder and rape. He was also sentenced to 15 years for robbery with aggravating circumstances and a further five years for fraud. The 15- and five-year sentences will run concurrently with the first life sentence.

6. The State v Thabang Gordon Moloi

The High Court of South Africa: North West Division, sitting at the Klerksdorp Regional Court, convicted Thabang Gordon Moloi (28) on charges of murder and rape.

On 10 July 2016, at Ikageng near Potchefstroom, Moloi kidnapped and raped an adult female.

On 14 August 2017, Moloi, together with an accomplice known as Rodger, attacked a couple on the street, assaulting the man and raping the woman. On 12 November 2017, Moloi and Rodger approached a couple in their vehicle, threatened them with knives, kidnapped them and instructed the man to drive towards Klerksdorp. They stopped along the way, tied the man up with his T-shirt and demanded bank cards and pin codes. The victim managed to escape while the car was driving towards Klerksdorp where the two intended to make a bank withdrawal. The two subsequently drove to Jouberton to drop off the victim's girlfriend before leaving with his car, bank cards and a laptop. On 3 December 2017, Moloi and Rodger kidnapped three adult females at knifepoint, took them to an isolated location where they tied them up with shoelaces and raped one of them while recording themselves. They also robbed the victims before fleeing the scene. On 10 December 2017 at Ikageng, Moloi and Rodger kidnapped two adult females at knifepoint and took them to an isolated area where they robbed them of their cell phones and demanded their bank cards and pin codes. Moloi left the scene alone to withdraw money from the victim's bank accounts. While Rodger raped one of the victims, the other victim managed to grab Rodger's knife and stabbed him to death.

Moloi was arrested on 19 December 2017 and charged. He managed to escape from police custody while being transported from the Potchefstroom police station to the Orkney Police station. Following his escape, he committed various crimes, including housebreaking, robbery and hijacking. On 6 April 2018, Moloi and another man known as Muzwa attacked an adult male, stabbing him in the neck and stomach multiple times before robbing him of his cell phone, shoes, trousers and money. They put him in the boot of their car and took him to an isolated area where they beat his head with stones before fleeing the scene. The man was found dead at the scene. Moloi was rearrested on 20 August 2018 and more charges were added to his docket.

Moloi was sentenced to three life terms and a combined 279 years on the 27 offences he was charged with. He is currently serving a 15-year sentence on a charge of kidnapping and robbery, and he has another unrelated pending rape case. He also has four other convictions to his name, including theft, two robberies with aggravating circumstances and kidnapping.

In aggravation of sentence, Advocate Simphiwo Jika urged the court to consider the ordeal suffered by the victims at the hands of Moloi. Judge Nicholas Laubscher shared this sentiment and alluded to the responsibility that the criminal justice system has in ensuring that communities are protected from such violent and deadly acts.

7. The State v Thokozane David Nkambule



Thokozane David Nkambule (40) from Dindela Location in Barberton was convicted on 25 counts, which ranged from rape to attempted rape, robbery with aggravating circumstances, housebreaking with intent to commit an offence, housebreaking with intent to steal and theft, possession of an unlicensed firearm, unlawful possession of ammunition, discharge of a firearm in a public space and sexual assault.

His victims were between the ages of 14 and 37 and were all from Barberton. From May 2011 to February 2015, Nkambule and an unknown accomplice threatened their victims with firearms, raped them and robbed them of their belongings, such as laptops, cash and groceries. On 12 February 2015, Nkambule entered a house

and threatened two victims. He forced them to perform oral sex on him and raped them anally. Nkambule was arrested the following day after his description was given to the police. He was found with a firearm, two magazines and 9mm calibre ammunition.

He denied the allegations but the State Advocate, Eric Sihlangu, led evidence from several witnesses augmented by DNA evidence.

The judge, Tony Thobane, found no compelling and substantial circumstances to deviate from the prescribed minimum sentence. **He sentenced Nkambule to four life terms and 154 years' imprisonment and further declared him unfit to possess a firearm.** The NPA hopes that this hefty sentence will go a long way to addressing the scourge of gender-based violence in society.

8. The State v Francois Thorne

The accused was convicted in the Port Elizabeth High Court on charges of murder and rape. The accused is the uncle of the deceased, Allisandre Floors, who was 16 years old. On 22 December 2018, the deceased accompanied the accused to the shops. The accused then took her to the MTO Plantation, where he raped and strangled her to death. He left her body in the plantation. When the deceased's mother enquired about the whereabouts of the deceased, the accused denied any knowledge. A missing person's report was made, and the body of the deceased was discovered five days later.

The accused was sentenced to life imprisonment for murder and 15 years' imprisonment for rape.

9. The State v Luthando Siyoni

The accused was convicted of conspiracy to commit murder and murder in the High Court. Jayde and Christopher Panayiotou were married but Panayiotou was having an extra-marital affair with Chanelle Coutts. Panayiotou was the owner of the Infinity Cocktail Lounge. In September 2014, Panayiotou employed Siyoni as a bouncer at Infinity Cocktail Lounge. Shortly afterwards, Panayiotou enquired whether Siyoni could source a person to kill someone for him. Over the next few months, Siyoni approached a number of individuals who could possibly assist Panayiotou in having this person killed, including Sizwe Vumazonke. Siyoni told Vumazonke that he would be paid R40 000 for killing Jayde (which later increased to R50 000) but negotiated for Panayiotou to pay him R80 000 to have Jayde killed.

After an unsuccessful attempt on Sunday 5 April 2015, Panayiotou suggested that Jayde be kidnapped and killed on her way to the school where she worked. Because Vumazonke and his associates needed a vehicle to be able to put this plan into action, Panayiotou gave cash to Siyoni who handed it over to Vumazonke. On 21 April 2015, Jayde was kidnapped as she exited her residence complex, forced into a vehicle where her cell phone was taken from her and driven to a secluded area. Items were stolen from her, and she was shot twice from behind. Vumazonke informed Siyoni that Jayde was dead. Vumazonke and Nenembe travelled to an ATM in Kwanobuhle where they attempted to draw money from Jayde's stolen credit card. They managed to draw R1500 from her cheque account and two amounts of R1500 and R500 from her credit card. During the course of the day, numerous calls and messages were made between Siyoni and Vumazonke as Vumazonke wanted payment for the job done. Panayiotou travelled to the township where he paid the money over to Siyoni and Siyoni paid R50 000 to Vumazonke.

Siyoni was arrested on 27 April 2015. After his arrest, a sting operation was set up where Siyoni met with Panayiotou and asked for money. Panayiotou gave him R4 450 and admonished him about the details of the killing, which was supposed to look like a robbery gone wrong but now looked like a hit. Siyoni made a detailed section 204 statement and the charges against him were withdrawn. Siyoni was to testify in the trial in which Panayiotou, Vumazonke and Nenembe were charged. During the trial, Siyoni became a hostile witness and refused to answer questions. Panayiotou and Nenembe were convicted and sentenced to life imprisonment. The High Court ordered that Siyoni was not absolved from prosecution. **Siyoni was subsequently recharged for the murder and the case went to trial. In a twist of events, Panayiotou testified against Siyoni. Siyoni was convicted of murder and sentenced to life imprisonment.**

10. The State v Ricardo Greeves



The accused was arraigned in the High Court on a charge of murder and entered into a section 105A plea agreement with the State.

The accused was in a long-term relationship with the deceased. They had two children together. The accused was employed as a butcher/blockman at the Spar in Summerstrand. The accused suspected that the deceased was in a romantic relationship with someone else and was cheating on him. On the day of the murder, the accused went to see his two children who were with the deceased's sister. He told the deceased's sister about his discovery and was extremely upset. He said goodbye to his children and asked the deceased's sister to take good care of them. He picked up the deceased and drove her to an area

where he confronted her about her clandestine relationship. He then took out a butcher knife and murdered the deceased by cutting her throat. He then tried to slit his wrists and, when that was unsuccessful, he drove to his uncle and reported that the deceased was in the car and that he had killed her. **The accused was sentenced to 20 years' imprisonment.**

11. The State v Nkosi

The accused was convicted in the GLD High Court on multiple charges of murder, arson and abuse.

The accused and Ms Pule (the complainant) started a relationship in 2018. The relationship was characterised by severe domestic violence. In 2019, the accused stabbed Ms Pule in her thighs and private parts, which resulted in her being admitted to hospital. He also threatened to strangle and kill her. Friends had to intervene on several occasions. In 2020, Ms Pule ended the relationship as a result of the abuse. The accused continued to pursue her. On the day in question, the accused sent for Ms Pule and, when she arrived, he attacked her, throttling and stabbing her. He also attacked family members who tried to come to her assistance. He also burnt down Ms Pule's shack, in which she was sleeping with her two children, one of whom was burned to death in the fire. Later, in September 2020, the accused burned down another shack that used to be occupied by Ms Pule – another woman and her boyfriend were sleeping in the shack at the time, and both died in the fire.

The accused was convicted and sentenced to two terms of life imprisonment and a further 25 years' imprisonment.

12. The State v Mafa and two others



Accused 1 pleaded guilty in terms of section 105A of the CPA to murder and contravening Section 17(a) of the Domestic Violence Act, 116 of 1998.

Accused 1 is the mother-in-law of the deceased. Accused 2 was in a relationship with the deceased's brother-in-law. They stayed together in the same yard at Harry Gwala informal settlement. Accused 1 used to sell alcohol at her place and accused 3 was a patron. On 26 October 2018, the Sasolburg Magistrate court granted the deceased a protection order against accused 1. Accused 1 was unhappy about this and voiced her dissatisfaction to the clerk of the court after being served with the notice. On 3 February 2019, the deceased's husband went to Lephalale

for work, leaving the deceased behind at Sasolburg. That was the last time the deceased was seen alive. A missing person report was opened. The police received information in March 2020 about the missing person, which led to the arrest of accused 3. Accused 3 made a pointing out as well as admissions pertaining to the deceased. Accused 2 was also arrested and made a pointing out regarding this matter. Accused 2 confessed to one of the witnesses. The decomposed body of the deceased was discovered in a pit toilet in the premises of an unused church yard. During excavation, the police found human bones, hip bones and upper bones as well as the torso and the skull. The bones were forwarded to the forensic laboratory for comparison with the deceased's biological mother and found to be a match. The cause of death is recorded as "Unnatural Causes: skull fracture, blunt trauma, assault".

Accused 1 was sentenced to 22 years' imprisonment. The State applied for a separation of trials in respect of accused 2 and 3 – they were both found guilty and sentenced to 20 years' imprisonment.

13. The State v David Khoza

David Khoza (43) was convicted of murdering his niece and her 12-year-old daughter. Police reports reveal that Khoza broke into the house where the two were staying and slit their throats before fleeing the scene. A swift response by the police led them to his house where clothing items with bloodstains were discovered and sent for DNA sampling. The test results came back positive, linking Khoza to the offence.

Khoza pleaded not guilty. The state prosecutor, Adv. Christoffel Kok, urged the court not to deviate from the minimum subscribed sentence given the brutal nature of the crime. He further argued that Khoza was a remorseless individual who did not value the lives of women and children.

Khoza was sentenced to life sentence on both counts of murder.

14. The State v Moegamat Kassiem Fortuin

Moegamat Kassiem Fortuin pleaded guilty and was convicted of assault with intent to cause grievous bodily harm, two counts of murder, attempted arson and attempted murder.

On 3 November 2020, the accused and his girlfriend Melvina Annestacia Adler were at a friend's house when he became abusive towards her. He attempted to hit her, but he was stopped from doing so. As they were leaving, he ran up behind her, grabbed her around her neck and ran with her into a steel safety fence causing her injuries. On 8 November 2020, he, Melvina and her son, Jovante Clyde Deelan, were at his family home when his girlfriend informed him that she had had an abortion without informing him. He became shocked and emotional. He left to buy petrol, which he hid in the house, planning to use it to kill himself by burning the house later. The accused and Melvina drank some beers and the argument over the abortion started again. As it got heated, the accused took out a hammer from a toolbox and hit Melvina over the head. Jovante intervened in an attempt to stop the accused from killing his mother. He hit the young boy with the hammer and killed him.

The accused was sentenced to two life sentences and 10 years' imprisonment.

15. The State v Revticken Patrick Muller



The accused was convicted of kidnapping, a contravention of section 3 of Criminal Law Amendment Act, No. 32 of 2007, robbery with aggravating circumstances and murder.

The deceased was a single mother (37) with two minor children. The accused and the deceased had a casual consensual liaison in a night club that went horribly wrong. She was last seen alive with the accused on video surveillance footage at 1:40am on 15 November 2019 outside Club Nitro in the business centre of George. The accused was linked to the commissioning of the offences by circumstantial evidence. The body of the deceased was discovered on 17 November 2019 on the cross-country course of the George Riding Club on Knysna Road. The

deceased was only identified as Bianca Chantal Matroos after a newspaper article detailed the discovery of the body. On 24 November 2019, the police arrested the accused while he was out at Club Nitro, after receiving a tip.

Witness statements placed the accused in a field opposite the George Riding Club in the early morning of 15 November 2019, wearing the same clothing as depicted on the surveillance footage at Club Nitro. The investigating officer obtained further video footage from a residential house situated adjacent to the field where the two witnesses saw the accused that morning. The forensic

analysis linked the DNA profile of the accused to the body of the deceased and a stick that was inserted into her private parts. This case was meticulously investigated by George detectives who secured the surveillance footage, forensic samples and other relevant evidence. The investigation was prosecution-guided and, as part of the province's murder project, carefully monitored by the local prosecutors from the George Magistrate's Court. During the pandemic, the state lost two material witnesses but successfully brought hearsay applications for their statements to be admitted into evidence during the trial. Cooperation from all stake holders, including community members and employees from Club Nitro, the Bergsig Neighbourhood Watch, the George Municipality and local residents, provided the state with the credible and reliable evidence that secured this conviction.

The accused was sentenced to 10 years' imprisonment for the rape count and life imprisonment for the murder.

16. The State v Mbulelo Mpikwa

The accused was convicted of rape.

The accused (40) is a respected member of the community and preacher at the Zion church in Du Noon, Milnerton. The victim was 10 years old at the time of the incident and lived with her mother and the accused, who was her stepfather.

The accused raped the victim at least three times between June 2019 and December 2019, when her mother was at work and he was alone at home with the victim. The victim did not tell anyone as she was afraid that the accused would hurt or kill her. In February 2020, the victim told her mother after she saw a vaginal discharge in her panties.

The accused was sentenced to life imprisonment on 28 May 2021.

17. The State v Solomon Given Tabane

The High Court of South Africa: North West Division sitting at the Ga-Rankuwa Regional Court, convicted Solomon Given Tabane of murder and rape, as well as several other serious offences.

On 1 December 2018, Tabane he met a couple walking at night in Ga-Rankuwa. He shot and killed the boyfriend and raped the girlfriend before fleeing the scene. In a separate incident on 22 December 2018, Tabane approached a group of young people, shooting and killing a 19-year-old girl. He then robbed the group of three cell phones and a power bank. The deceased was waiting for her matric examination results, which came a few days after her passing, and she achieved a university entrance.

In his argument for the court not to deviate from the prescribed minimum sentence, Advocate Theo Moetaesi described Tabane as a ruthless individual with no respect for human life. He argued that Tabane took advantage of harmless individuals who posed no threat to him. In handing down the sentence, Judge Snyman described Tabane as a remorseless person who took away young innocent lives.

Tabane was sentenced to three life terms for rape and murder, as well as 15 years for robbery with aggravating circumstances, 10 years for unlawful possession of a firearm, 10 years for possession of ammunition, five years for possession of a firearm from a separate incident and five years for possession of ammunition. The judge ordered the sentences to run concurrently, which means Tabane will effectively serve one life term in prison.

18. The State v Johannes Nokeri

The High Court of South Africa, North West Division, sitting in the Temba Regional Court, convicted Johannes Nokeri of rape, robbery with aggravating circumstances, theft of a motor vehicle and unlawful possession of a firearm and ammunition.

Between 2012 and 2017, Nokeri embarked on a series of rapes, robberies and theft in the areas around Hammanskraal. Nokeri followed the same modus operandi for his crimes. He targeted unsuspecting women who were travelling from taverns at night or in the early hours of the morning and robbed them of money, cell phones and clothing before raping some of them. He threatened his victims with violence if they failed to abide by his orders. He was eventually arrested on 16 July 2017 in the possession of a stolen vehicle. Six live rounds of ammunition were found in his possession.

Nokeri fired his three Legal Aid attorneys and one private attorney and opted to represent himself throughout the trial. During court proceedings, it emerged that in some of these offences, he was accompanied by an individual unknown to the State. The State relied on DNA results that linked Nokeri to the offences for some of the rape charges. Two of the victims testified in court about Nokeri's aggressive behaviour when he raped and robbed them.

In aggravation of sentence, Advocate Mashudu Muliwa urged the court not to deviate from the prescribed minimum sentence and to consider the VIS, which depict the suffering and eroded dignity of the victims at the hands of Nokeri. Judge Shane Kgoele described Nokeri as an individual with no respect for women. She further alluded to the responsibility that the court has in protecting communities against the likes of Nokeri.

Nokeri was sentenced to 10 years' imprisonment.

19. The State v Thabo Mathibe

The Ga-Rankuwa Regional Court convicted Thabo Mathibe (28) of rape and murder.

On 27 November 2019, the victim (14) was sleeping when Mathibe broke into her home, attacked, raped and murdered her. Her lifeless body was discovered by her mother, who heard a commotion in her room and, upon investigating, saw the accused fleeing the scene. The mother called for help and the neighbours went in search of Mathibe who was later caught and arrested by the police.

During court proceedings, Mathibe pleaded not guilty on both charges. The state prosecutor, Adv Thabo Motlhamme, pleaded with the court not to deviate from the prescribed minimum sentence as the crimes committed are serious.

Mathibe was sentenced to life imprisonment for rape and 15 years for murder.

20. The State v Irwin Gaswane

The Taung Magistrates Court convicted Irwin Gaswane of murder.

On 29 April 2016, an argument ensued between Gaswane and his wife, Keromamang Kgaswane, at their home. Following the argument, Kgaswane went back to his birth home at Motswedding village in Taung. The following day, Gaswane followed her to Motswedding Village and found her with their 15-year-old son. Another argument ensued; Gaswane took out a firearm and fatally shot her twice in the head and chest in front of their son. He drove back to Mafikeng and handed himself over to the police. It is alleged that on his way back to Mafikeng, he disposed of the firearm as it was never recovered.

Gaswane pleaded not guilty to murder. His defence team argued that he was not himself when he committed the crime because he had consumed alcohol. They also argued that his intention was just to scare his wife, but she provoked him into shooting her.

The prosecutor, Sandile Mbokazi, dispelled this narrative by the defence team and argued that the murder was pre-meditated. Kgaswane's sister testified that the two had long-standing marital problems, to the point that a family meeting had been called to try and resolve things. The son also testified how his mother was brutally killed in front of him.

The magistrate, who described Gaswane as a remorseless and cruel individual, sentenced him to life imprisonment.

21. The State v S M Dlamini



The Sasolburg Magistrate's Court convicted the accused (40) of raping a mentally ill woman.

On the day of the incident, the accused was on his way to work at a Sasolburg firm when he saw the victim. He lured the victim behind a nearby building and raped her. A police officer saw the accused and the victim going behind the building. He followed them and found the accused raping the complainant. The victim was sent for a mental assessment and a psychiatrist confirmed that she is mentally ill and cannot follow court proceedings. He also confirmed that she was not in a position to give consent.

The accused was sentenced to 20 years' imprisonment. The court also ordered that his name should be included in the National Register for Sex Offenders.

22. The State v Morake



The accused was convicted of killing his girlfriend, Angelina Dora Lecwidi, on 2 May 2021.

Morake and Lecwidi were drinking at a local tavern; he accused her of cheating and they had a verbal argument. He grabbed her by her clothes and pulled her outside. He then assaulted her by hitting her with his fists, kicking her and hitting her head against a stone. She died two days after being admitted to a hospital. The cause of death was recorded as head injury. She was 14 weeks pregnant at the time of her death.

Morake was sentenced to an effective 20 years' imprisonment.

23. The State v Nkikana



A 36-year-old man from Clocolan was found guilty of raping his 14-year-old daughter six times between May and July 2021.

The victim was staying with the accused, his wife (who is her stepmother) and two other siblings. In May 2021, the accused told his wife that his late brother told him in a dream "to get rid of the tokoloshe that was inside the victim". That same night, the accused raped the victim. When the wife reprimanded him, he assaulted her. He overpowered and raped the victim, notwithstanding her cries and his wife's reprimands. He threatened to kill both of them if they told anyone what he did. He continued raping her until 25 July 2021. The next day,

the accused's sister visited the family and the wife told her what the husband had done to the child. The sister reported her brother to the police, and he was arrested.

In aggravation of sentencing, Adv Moipone Moroka submitted a VIS facilitated by Bulelani Mothabeng in which the victim said that she thanks her aunt for coming to her rescue because if it was not for her aunt, she would still be her father's sex slave. Moroka further argued that the scourge of violence against women and children has reached alarming proportions, stating "What aggravates the matter is that the father raped his own daughter multiple times over a period of three months, which means he had ample opportunity to reflect on his actions, but he continued betraying the trust his daughter had in him".

The accused was sentenced to six life terms.

24. The State v Litabe



Litabe (47), from Moemaneng Township in Marquard, pleaded guilty to six counts of housebreaking with the intention to rape, rape and one count of theft in the High Court of South Africa: Free State Division. The accused went on a 12-year rape spree between 2008 and 2020. On 18 June 2008, he broke into the house of a 36-year-old woman and raped her. He raped the second woman on 7 August 2014 after breaking into her house in Moemaneng. An 18-year-old woman became his third victim when Litabe broke into her house, sprayed her with pepper spray and raped her on 22 December 2017. The fourth woman (58) was raped on 8 July 2018 in Thaba Nchu after Litabe broke into her house. The woman moved to another area as she felt unsafe. However,

Litabe raped her again on 24 May 2020 after he broke into her new house. He also raped a 74-year-old woman on 18 June 2019 and stole her money. Litabe was arrested for rape in the North West Province and his DNA was linked to the cases in the Free State.

The State Prosecutor, Advocate Antoinette Ferreira, submitted VIS in which the victims stated that they have lost their confidence and no longer feel safe around men. All the victims were raped in their own homes where they were supposed to be safe.

The accused was sentenced to life imprisonment for each of the five counts of housebreaking and rape, 15 years for the other count of rape and two years for theft. The court also ordered that Litabe's name be included in the National Register for Sex Offenders.

25. The State v Madonsela

The accused entered into a section 105A plea and sentence agreement in the High Court: GLD. The accused and deceased were in a relationship and shared a residence. They had an argument about money owed to a loan shark. When the accused assaulted the deceased, she threatened to report the assault to SAPS. The accused took an electrical cord from underneath the bed and strangled the deceased to death. The following day he disclosed what he had done to his uncle but ran away when his uncle went to SAPS.

The accused was sentenced to 20 years' imprisonment.

26. The State v Mjoli

The accused was convicted of rape and murder.

The accused and the deceased were in a relationship. After killing his girlfriend, the accused kept her under his bed for several days. He was arrested as he was digging a grave in which to bury her. An investigation instructed by the state advocate into whether there had been a history of domestic violence in the relationship discovered that the deceased had opened a rape docket two years earlier, which had been withdrawn and filed.

The accused was sentenced to two terms of life imprisonment. The judge commended the State for the diligence with which the investigation was guided.

27. The State v Morgan

The accused was convicted of seven counts of rape, seven counts of robbery with aggravating circumstances, six counts of kidnapping and six counts of pointing a firearm.

The accused was a serial rapist who accosted his victims in the early mornings as they were walking to taxi ranks in Soweto. Some incidents happened in 2018 and not all the victims could identify the accused. The accused was linked to the offences through DNA.

The accused was sentenced to 60 years' imprisonment in the GLD High Court.

28. The State v Mazibuko



The accused convicted of 44 counts of kidnapping, rape, robbery with aggravating circumstances, attempted murder and the possession of an unlicensed firearm and ammunition.

The accused accosted 10 victims in the vicinity of the Mzimhlope Hostel with a firearm, took them to an open field, raped and robbed then at gun point. In some instances, shots were fired.

The accused was sentenced to life imprisonment in the High Court: GLD.

29. The State v Jiyane



The accused was convicted of fraud, robbery with aggravating circumstances, kidnapping, 17 counts of rape and assault with intent to do grievous bodily harm.

A serial rapist who operated in the Boksburg area, the accused pretended to be the well-known actor Ney Maps as a ruse to get his victims to accompany him.

The accused was sentenced to eight terms of life imprisonment plus a **further 223 years' imprisonment.**

30. The State v Mkhwanazi

The accused was convicted on 104 counts related to the kidnapping, rape and robbery of 27 complainants in the High Court: GLD.

The accused was a serial rapist operating in the greater Tembisa area between 2013 and 2019. He would approach the complainants with a firearm or knife while they were walking home and demand their belongings. He would then kidnap them and take them to a nearby secluded area where he would rape them. In some instances, there were multiple complainants in the same incident. Some complainants were raped multiple times.

The accused was sentenced to 12 terms of life imprisonment as well as a further 302 years' imprisonment.

31. The State v Poto

The accused was convicted of murder in the High Court: GLD.

The accused and deceased were in a relationship and lived together. The accused reported to SAPS that the deceased had passed away at their residence. Upon arrival, SAPS found that the deceased's body had several visible injuries, including a laceration to the head. The cause of death was found to be a flail chest (that is, three or more ribs that are broken in two or more places).

The accused was sentenced to 20 years' imprisonment.

32. The State v Mdlalose

The accused was convicted on 26 counts, including three counts of murder and attempted murder, assault and possession of unlicensed firearm and ammunition in the High Court: GLD.

Two of the deceased were females that were in a relationship with the accused. In two separate incidents in September and December 2016, the accused shot and killed each of the deceased under premeditated circumstances.

The accused was sentenced to two terms of life imprisonment as well as a further 54 years' imprisonment.

33. The State v Malcolm Blignaut

The accused was convicted of rape in the Boksburg Regional Court.

The accused raped his stepdaughter, a minor child of 14 years. The accused's defence was that she consented to intercourse. In the probation report, the probation officer alleged that the victim forgave the accused and does not wish for him to go to prison. The state argued that although forgiveness is a mitigating factor, it does not serve as an exceptional circumstance that justifies the court not imposing the minimum sentence as the accused was in a relationship of trust with the victim.

The accused was sentenced to life imprisonment.

34. The State v Cummings and another



The accused were convicted on 13 counts, of which three involved trafficking in persons for sexual purposes. The other charges related to kidnapping, rape and sexual exploitation.

This case involved three separate dockets with three separate victims. Accused 2, Tebogo Johanna Maragele, would take the children (aged 9, 15 and 16) to accused 1, Adam Cummings, on different occasions. Cummings would rape the children and afterwards pay between R50 and R150 to accused 2.

Both accused were found guilty on all charges and sentenced to 20 years' imprisonment in the High Court: GLD.

35. The State v Caiphus Hinana

The accused was found guilty of murder.

The accused was a SAPS member at the time of the incident. He drove his girlfriend home after visiting a bar. The accused was intoxicated, and an argument broke out between the two. The accused started beating the victim, dragged her out of the car and hit her with a bat. He got back into the car and reversed over her. The incident was witnessed by two people.

The accused was in custody awaiting trial for two years and 8 months, during which time he underwent a 30-day mental observation at the request of the defence.

The accused was sentenced to 18 years' direct imprisonment.

36. The State v Mojaki

The accused entered into a formal plea agreement in terms of section 105A of the CPA.

The accused and victim were in an on-and-off relationship and had two children together. The accused went looking for the victim one evening and found her at the home of another man. He entered the home and an argument ensued. When the homeowner hit the accused with an aluminium bottle, the accused pulled out a knife and stabbed the homeowner multiple times with the intention of killing him. When the deceased tried to intervene, he stabbed her several times and killed her.

The accused was sentenced to an effective 40 years' imprisonment.

37. The State v W Loots

The accused pleaded guilty in the Circuit High Court, Colesberg, to two counts of rape, read with the provisions of Section 51(1) of Act 105 of 1997.

On the evening of 1 September 2019, the accused removed the complainant (11-year-old Raydene Witbooi who suffered from foetal alcohol syndrome) from the shack where she was sleeping alone. He took her to a nearby ditch where he raped her twice, once vaginally and once anally. He then returned her to her neighbour's house with instructions that she should sleep there. She reported the following day that the accused (who was known to her) had raped her and he was arrested. The complainant was hospitalised and needed reconstructive surgery due to the injuries sustained during the rapes. Dr Palomo Carrion testified that it was the worst injuries she had ever seen on a rape victim.

The accused was sentenced to 24 years' imprisonment for each of the counts and the Court directed that the sentences be served concurrently. Leave to appeal the sentences was denied.

38. The State v Carolus

The State and the defence entered into a plea and sentence agreement in terms of section 105A of the CPA.

The accused found his girlfriend having sex with another man and, in a rage, he stabbed her with a broken bottle several times.

The accused was sentenced to 22 years' imprisonment.

39. The State v George Katoka

The accused was convicted of murder.

The accused and deceased had been in a relationship for a long time. The deceased went out drinking and, on her return, an argument ensued between the two as the accused suspected that she was having an affair. The accused stabbed her to death with a knife.

The accused was sentenced to 15 years' imprisonment.

40. The State v Langa B Louw

The accused was found guilty of rape and indecent assault.

The accused, a pastor, had raped his biological daughter more than 20 years ago.

He was sentenced to 12 years' imprisonment for the rape and four years for indecent assault.

41. The State v Sipho Mkhize

The accused was convicted of rape.

The accused and the victim stay in the same vicinity. The accused knew the child and was aware that she had a mental handicap. On the day in question, he met the child in the street and offered her a drink. He took the child home, where he raped her and gave her some money. The child bought some sweets and snacks and shared them with her friends. This aroused suspicion and the family members asked her who had given her the money. She told them what the accused had done to her.

The accused was sentenced to life imprisonment.

42. The State v Zungu



Lindokuhle Zungu (27) was convicted in the Mtunzini High Court on multiple counts of rape, housebreaking with intent to commit rape and robberies, as well as unlawful possession of a firearm and ammunition. Between November 2014 and December 2018, Zungu preyed on his victims in Nongoma and Mlazi. He broke into their homes and threatened them with either a knife, firearm or bush knife. He robbed them of cash and/or cell phones and raped them before fleeing the scene. Some of his victims were raped in the presence of their children and one was pregnant. He also raped one of his victims when she accepted a lift from him.

Police arrested Zungu in January 2019 when he was found in possession of a firearm and ammunition. A buccal swap taken upon his arrest linked him to the rapes. The state, represented by Adv. Dan Magwaza, led the testimonies of all the complainants as well as the first reports and forensic evidence. The victims gave an account of how the crimes had affected them and their families through VIS. All spoke of the trauma they faced and how they are living with that trauma every day.

The accused was sentenced to six terms of life imprisonment and 142 years in the Mtunzini High Court.

43. The State v Magwaza



Siyabonga Ntokozo Magwaza (27) pleaded guilty to rape and murder in the Nongoma Regional Court.

In November 2020, Magwaza accosted his victim (21) as she was walking along the road. He pulled her into some bushes and threatened her with a knife before raping her twice. He then fled the scene. The next day he lured his 72-year-old uncle, Nkunzi Magwaza, to a forest near their homestead. While in the forest, Magwaza asked his uncle to apologise to him for all his wrongdoings. When the uncle showed no remorse, Magwaza stabbed him twice with a spear. The uncle died at the scene. Magwaza then went home and confessed to his family that he had killed his uncle. He was arrested and linked to the rape while in custody.

In aggravation of sentence, the Regional Court Prosecutor, Sfiso Innocent Thwala, presented the court with VIS compiled by the victim in the rape case and the wife of the deceased. The victim said that she continues to have flashbacks of the incident, which has made her wary and fearful of men. The uncle's wife said that she had been married to her husband for 45 years and that he was the breadwinner in their family.

The accused was given two terms of life imprisonment.

44. The State v Makhonza and another



Accused 1 was convicted of murder and attempted murder. The accused had been in a romantic relationship with the first victim that had ended. She started a new relationship with the second victim, which angered accused 1. He decided to take revenge. He and two accomplices entered the victim's house and fired gunshots that struck both the occupants killing the first victim and injuring the second victim. Accused 1 was sentenced to life imprisonment for murder and 10 years' imprisonment for attempted murder. His applications to appeal both his sentence and conviction were refused by the court. **The accomplices were both convicted and sentenced to life imprisonment and 25 years' imprisonment respectively.**

45. The State v Aubrey Manaka



Aubrey Manaka (29) pleaded guilty to rape and robbery with aggravating circumstances on 11 June 2021. The accused broke into the victim's room through the window. He stabbed her several times before raping her and stabbed her again after raping her. He then left the scene with her cell phone. **Manaka was sentenced to life imprisonment for rape and 15 years for robbery with aggravating circumstance.**

46. The State v Mkhathshwa



The Mpumalanga High Court of South Africa convicted Siyabonga Africa Mkhathshwa (26) on multiple counts of rape, robbery with aggravating circumstances and compelling someone to witness rape. These crimes were committed between May 2015 and October 2018 in different areas of Barberton. Mkhathshwa and his unknown accomplices targeted women walking the streets during early or late hours – they attacked them at knife or gun point, took them into the bush and raped them. In some instances, they would rob them of their belongings like cell phones and cash, and some victims were gang raped. Mkhathshwa was arrested after he robbed a victim of a cell phone at gun point. Buccal DNA swabs were taken and Mkhathshwa was positively linked to other crimes.

Although the accused denied all the allegations, Adv. Vuyo Mkhulise led the testimonies of several victims who identified Mkhathshwa by the scar on his face. Forensic evidence, DNA evidence and the testimony of the police officers who attended the crime scenes was also led.

Mkhathshwa was sentenced to life imprisonment on each of the rape counts, 15 years on each count of robbery with aggravating circumstances and three years on each count of compelling someone to witness rape. The court ordered Mkhathshwa's name to be entered in the National Register for Sexual Offenders and he was also declared unfit to possess a firearm.

Child Murders

1. The State v Busisiwe Labi

The accused murdered her 2 children aged 1 and 6 by suffocating them with plastic bags. She phoned her sister stating that she killed her children and attempted suicide requesting her to send the police. The accused pleaded guilty but her plea was not accepted by Adv Deolin Willemse appearing on behalf of the State.

He led evidence and closed the State case after which she was convicted of pre-meditated murder. She was sentenced to 21 years' imprisonment on each of the 2 counts of murder.

The sentences were ordered to run concurrently.

The court has granted the State leave to appeal the sentences.

2. The State v Steven Fortune



The High Court of South Africa: Western Cape Division convicted Steven Fortune of kidnapping, rape and murder.

On the evening of 7 January 2020, Fortune kidnapped 12-year-old Michaela Williams in New Horizon, Pelican Park. She was playing outside after finishing her supper. At approximately 7:30pm, her mother started searching for her as she was not outside the house or in the courtyard where she usually played. Her mother reported the girl as a missing child that same evening. Fortune, who was known to the family and to the child, had lured Williams out of the yard to a secluded plot a few kilometres from her home. He raped and strangled her, threw two concrete blocks onto her head and covered her body with a blanket.

On the evening of 8 January 2020, he sent a message to his family indicating that he wanted the police to fetch him at a specific location. He made a statement and pointed out where Williams' body was.

Fortune was sentenced to three life terms and seven years' imprisonment. The court also declared him unfit to possess a firearm. The court ordered that the sentences run concurrently, and that Fortune's name be entered into the National Register for Sex Offenders. The court further ordered that the judgment in the case be forwarded to the Ministers of Justice and Correctional Services, and that all documented evidence be served on the head of prison where he will be detained to serve his life sentence.

3. The State v Jakobus Petoors



The accused, who had been released on parole on 12 November 2019 for a similar offence, pleaded guilty and was convicted of kidnapping a minor, rape and murder.

On the morning of 29 February 2020, the deceased, Reagan Gertse (8), was seen in the company of the accused. When the deceased had not arrived home by 8pm that night, the alarm was raised. A search ensued and, the following day, the body of the deceased was discovered in a bushy area. The accused admitted in court that he took the victim against his will to the river. He told Reagan that he wanted to have sex with him when they got to the river, but the deceased refused. He then told him to take off his pants and lie on the ground. Reagan refused

again so the accused forced him, held him down by the shoulders and raped him. The accused then took Reagan to the river, where he pressed his head into the water and mud and smothered him. The accused left Reagan's body there and went home.

The accused was sentenced to 12 months' imprisonment for kidnapping, life imprisonment for rape and life imprisonment for murder.

4. The State v Alecia Cheyenne Alias



The accused was convicted of assault and murder.

The accused was the biological mother of the deceased, a one-month-old baby boy. She had suffered from schizophrenia from a young age and was struggling to cope with caring for the baby, despite having her own mother's assistance, because she did not take her medication regularly and was a drug addict. Four days prior to the murder, she sought medical assistance at hospital because she was struggling to cope. She was admitted and discharged the next day. Two days later, she beat the baby to death (his skull was fractured in three places) and left his body on the bathroom floor.

The accused was referred twice to Valkenberg for assessment due to lengthy COVID-19 postponements, a lapse in taking her medication and renewed drug abuse. She was found fit to stand trial and able to appreciate the wrongfulness of her actions.

The main witness was the accused's mother, who was very reluctant to testify against her daughter, despite thorough consultations. Adv. Lewis' persistence with and advice to the mother encouraged her to testify honestly and openly against her child. Professor Kaliski testified that despite a history of schizophrenia and drug use, the accused knew what she was doing at the time of the offence. The Valkenberg reports suggested that there was an element of post-natal depression involved and that the Court should take the accused's vulnerabilities into consideration in imposing sentence. The accused elected not to testify.

The accused requested correctional supervision at sentencing. She told the correctional supervision officer that she threw the child to the floor and denied using drugs. The Court found that her version did not accord with the serious injuries inflicted on the child, nor was her denial of drug use borne out by the evidence. The Court found that she was not honest and open and could not be seen as being remorseful. The family of the accused begged the Court not to send the accused to prison as they alleged that she would not survive it. The court heard evidence as to the facilities available in prison for mental health care users. It found that the mental diagnosis of the accused did not amount to substantial and compelling circumstances justifying a departure from the minimum sentence of 15 years' imprisonment.

The accused was sentenced to six months' imprisonment for assault and 15 years' imprisonment for murder.

5. The State v Ashwynne Kortjie



The High Court of South Africa: Western Cape Division convicted Ashwynne Kortjie (22) of the murder of his daughter, Ashmee-Lee Stallenberg (4 months), after he entered into a plea and sentence agreement with the State.

Kortjie told the court that he and the mother of his daughter, Louise Stallenberg, were separated. They agreed that Ashmee-Lee would be in Kortjie's care for alternative weeks. At the time of the murder, she was in Kortjie's care. He tried to calm her when she started to cry, but she didn't stop. He could not deal with the incessant crying, so he pushed on her ribs with both hands while she was lying on the bed, grabbed her by her arm, which he broke, and hit her twice on her chest with his fists. The baby died from her injuries.

Kortjie was sentenced to 25 years' imprisonment and declared unfit to possess a firearm.

6. The State v Taswell Louw and Renzia Louw



The High Court of South Africa: Western Cape Division charged Taswell Louw with the murder of his two-year-old stepson, as well as child abuse and child neglect of both the deceased and his brother. The State also charged his wife, Renzia Louw, who is the mother of the two boys, with murder, child abuse and two counts of child neglect.

Taswell was sentenced to 18 years' imprisonment for Germia Speak's murder, 12 years' imprisonment for child abuse and six years' imprisonment for child neglect. The Court ordered that the sentences imposed for child abuse and child neglect run concurrently with the sentence imposed for murder. He is effectively serving 18 years' imprisonment. The Court declared Taswell unsuitable to work with

children and ordered that his name be entered into the National Child Protection Register. He was also declared unfit to possess a firearm.

The State could not prove the charge of murder through common purpose against Renzia but succeeded in proving that she compromised her children and lied about the gruesome injuries Germia suffered at the hands of her husband. The Court sentenced her to eight years' imprisonment for the child abuse of Germia, wholly suspended for five years on condition she is not convicted for a similar charge. **She was sentenced to five years' imprisonment for the two counts of child neglect. The Court ordered that her name be entered into the National Child Protection Register. It further ordered the National Commissioner of the Department of Correctional Services must ensure that a social worker from the Department of Social Development visits Renzia's remaining children at least once a month and report on whether they need care and protection.**

7. The State v Ramokgopa and another

The accused entered into a section 105A plea and sentence agreement.

The two accused were in a relationship, and it was alleged that accused 1 abused their two-year-old child over a period. The child died as a result of blunt force trauma to the head, chest injuries and sexual assault.

Accused 1 was sentenced to an effective 24 years' imprisonment and accused 2 to an effective 2 years' imprisonment for her failure to report the abuse and seek medical attention for the deceased.

8. The State v Nompumelelo Portia Nkambule



The High Court in Mpumalanga convicted Nompumelelo Portia Nkambule (37) from Louwville in Barberton of murder.

Between December 2020 and February 2021, the victim's father, Collen Nkosi, decided to place the victim, Philisiwe (aged 3), under the care of his girlfriend, Nkambule, as he searched for a job. The victim's biological mother had died in September 2020. While the victim was in Nkambule's care, she struggled to relieve herself and appeared not to be potty trained. Nkambule assaulted her with a tree branch whenever she soiled herself over a period of time. Philisiwe sustained severe and multiple blunt force injuries on her body and at the back of her head, and her internal organs shut down as a result. An inquest docket to

probe the circumstances of the victim's death led to Nkambule's arrest. Nkambule pleaded not guilty to the charges and denied having contributed to the death of the toddler.

Adv. Tula Bekwa led evidence from the investigating officer who told the court that the toddler's father, Nkosi, insisted that Philisiwe did not have injuries prior to living with Nkambule. Nkosi's evidence was supported by Nkambule's daughter's testimony, who said she had witnessed her mother assaulting Philisiwe with a branch on two occasions. Nkosi and Nkambule's daughter's evidence was supported by the testimony of a medical doctor who conducted the post-mortem. She testified that the victim's kidneys were bleeding, which eventually caused them to collapse, leading to her death. Adv. Bekwa submitted a VIS detailing the father's heartache after the brutal death of his daughter.

Nkambule was sentenced to life imprisonment for premeditated murder.

9. The State v Stander



The accused (25) pleaded guilty to killing his 3-year-old son to spite the child's mother after she ended their relationship.

The mother of the child ended the relationship between her and Stander because he was abusive, but she still allowed Stander to fetch the child for visits. On 15 October 2021, Stander fetched the child but failed to bring him back. The mother tried to call Stander, but he lied that he was visiting his friends. On 17 October 2021, the mother asked her family members to accompany her to Stander's house to fetch her son. Stander sent the mother a voice-note telling her to look for the child in a bedroom, where they found the child wrapped in a plastic bag, strangled to death. The body was in a state of decomposition.

Stander was sentenced to life imprisonment.

Organised Crime

1. The State v Anthony Moeti Hopane

The accused was convicted of dealing in unpolished diamonds and possession of unpolished diamonds.

The accused was arrested during a Section 252A operation during which he endeavoured to sell approximately 74 diamonds – worth an estimated R1.5 million – to an undercover agent.

The accused was sentenced to six years' imprisonment.

2. The State v Seloana and eight others

The accused were charged with kidnapping, extortion and money laundering.

The complainant (wife) was kidnapped and ransom in the form of a gold bar demanded from her husband, who is the manager of Harmony Gold Mine in Welkom. A gold bar valued at R6.5 million was handed over and the complainant was released. The accused were later arrested.

Accused 1, 2, 3 and 9 entered into 105A plea agreements to pay an amount of R2 million to the complainant and five years' imprisonment suspended for five years. Witnesses were not willing to testify due to trauma.

3. The State v Jonathan Perring and two others

A section 105A plea and sentence agreement was concluded with two of the accused. Accused 1 and 2 were convicted of section 6 of the Prevention of Organised Crime Act 121 of 1998 (POCA) for using, retaining or being in possession of the proceeds of unlawful activities (rhino horn). Accused 3 was convicted of theft. All three accused were convicted of section 57(1) of the National Environmental Management: Biodiversity Act 10 of 2004.

This was an undercover trap operation. Accused 3 (a taxidermist) stole a black rhinoceros' horn (weighing 3.3 kilograms and valued at approximately R230 000), which was mounted in his employer's lodge at Shumba Safaris, and replaced it with a fake horn. He then sold the horn to accused 1 and 2 for R120 000. Accused 1 and 2 searched for a buyer for the horn without having the necessary permit. Accused 1 and 2 concluded the transaction with the undercover agent, at which point they were arrested and the horn was confiscated.

Accused 1 and 2 were sentenced to a fine of R150 000- or 30-months' imprisonment (of which R75 000- or 15-months' imprisonment was suspended for five years on conditions) for money laundering. Accused 3 received a similar sentence for theft. All three accused were sentenced to three years' imprisonment, wholly suspended for five years on conditions, for restricted activities involving listed, threatened or protected species.

4. The State v Omar Juma

The accused was convicted of three counts of contraventions of section 49 of the Immigration Act with regard to smuggling migrants, as well as corruption in contravention of section 3(b)(ii)(cc) of the Prevention and Combating of Corrupt Activities Act (giving a benefit).

The accused smuggled 30 Malawian nationals across the border into South Africa. He paid a R3000 cash bribe to the investigating team in exchange for being released after his arrest.

The accused was sentenced to five years' imprisonment suspended for five years for smuggling migrants and seven years' imprisonment (of which three years were suspended for five years on conditions) for corruption.

5. The State v Romario De Lange



The accused was convicted in the High Court of contravening section 9(1) (a) and 9(1)(b) of POCA, murder, attempted murder, unlawful possession of a firearm and unlawful possession of ammunition.

The accused was a member of and hitman for the Nice Time Bozza Gang. On 14 November 2019, the accused approached the deceased, Lorenzo Nicholas, and fired several shots at him. The accused also fired shots at a witness and in the process shot a six-year-old child. The deceased died at the scene from head and chest injuries due to multiple gunshot wounds.

The accused was sentenced to life imprisonment for murder, 18 years' imprisonment for attempted murder, 15 years' imprisonment for unlawful possession of a firearm, three years' imprisonment for unlawful possession of ammunition, three years' imprisonment for contravention of section 36 of the Criminal Law Amendment Act, and three years' imprisonment for contravention of section 9(1)(a) and (b) of POCA.

6. The State v Fabian Potgieter

The case was finalised by way of a section 105A plea and sentence agreement, and the accused was convicted on one count of theft and one count of contravention of section 4 of POCA (money laundering).

The accused was arrested in a buy and bust operation for selling Vodacom cellular tower batteries to the value of R150 000. The terms of the sale amounted to a money laundering activity.

Part of the 105A agreement is that the accused will testify in subsequent proceedings against other role players.

The accused was sentenced to five years' imprisonment, wholly suspended for five years, for theft; and five years, wholly suspended for five years, for money laundering. A Section 18 POCA Confiscation Order was obtained whereby the accused must pay R33 000 to CARA.

7. The State v Darries and two others



All three accused were convicted of murder.

The accused were linked to the New Kids Gang. The deceased was affiliated to the Room Rotte Gang. The accused wanted control over the drug territory controlled by the deceased. The first deceased was seated at the back of a bakkie when he was noticed and shot by the accused – he died at the scene. Having heard about the first incident, the second deceased went to visit the scene where he was also shot and killed by the accused.

The accused were sentenced to a total of six life sentences.

8. The State v Chad Heugh and three others



The High Court of South Africa: Western Cape Division convicted the accused of aiding and abetting a criminal gang activity and robbery with aggravating circumstances. It further convicted Dale Swartz of murder, illegal possession of a firearm and illegal possession of ammunition. The court heard that Chad Heugh, Owen Hendricks, Marcello du Plessis and Swartz, members of the Wonder Kids gang, robbed and killed Chi-Yen Chan Chen while he was visiting Kewtown, Athlone, in the early hours of 26 July 2018. They robbed him of R7 000 in cash, a cell phone and laptop. They were arrested on 7 August 2018 and investigations revealed that Swartz was the shooter while Heugh, Hendricks and Du Plessis joined in to steal Chen's belongings from his vehicle.

The accused were sentenced to two years' imprisonment for aiding and abetting a criminal gang activity. Heugh, Hendricks and Du Plessis were sentenced to 12 years' imprisonment for robbery with aggravating circumstances and Swartz to 15 years' imprisonment for the same charge. Swartz was further sentenced to life imprisonment for Chen's murder, five years' imprisonment for illegal possession of a firearm and two years' imprisonment for illegal possession of ammunition. The court declared all the accused unfit to possess a firearm.

9. The State v Mario Vasec and others



The accused were charged with dealing in drugs, possession of dangerous and undesirable dependence producing substances and illegal immigration.

Information was received in 2020 about cocaine entering South Africa via the harbours in Cape Town. With the assistance of Head Office Crime Intelligence and other agencies, and after a lengthy investigation, the relevant vessel, the Windward, was identified and traced to its mooring place in Table Bay Harbour. During January 2021, the vessel sailed to Saldanha harbour, where it remained while undergoing maintenance and was kept under observation. On 25 February 2021, the Windward departed Saldanha harbour and underwent a sailing test. It returned to Saldanha harbour on 26 February, but immediately departed again. During the night of 26 February, it received a cargo transfer at sea. The cargo was hidden in the front castles hull and the vessel returned to Saldanha harbour. Four Bulgarian nationals were observed boarding the vessel and six Myanmar nationals were already on the vessel. Members of SAPS boarded the vessel with the assistance of members of the Special Task force, who secured the vessel. The accused were arrested and 973 bricks of cocaine worth an estimated R580 million was seized.

During the search of the Bulgarian's residence, US\$1 125 630 and €4 300 were found and seized. All the vehicles used by the accused were seized, as well as the Windward. The accused furnished details of other vessels and they were also seized.

Accused 1 was sentenced to 25 years' direct imprisonment, of which 13 years were suspended.

In terms of section 18(2) of POCA, the value of the defendant's proceeds of unlawful activities, or unlawful activities related thereto, is at least R56 790. The amount that might be realised in terms of section 18(2)(b) of POCA is R56 790 in cash (the confiscation amount), made up of cash amounts of R13 790 and R43 000, which are currently held in the SAPS exhibit register.

10. The State v Asen Georgiev Ivanov



The accused was convicted of dealing in drugs, possession of dangerous and undesirable dependence producing substance, and illegal immigration.

The accused was sentenced to 25 years' direct imprisonment, of which 12 years were suspended.

In terms of section 18(2)(a) of POCA, the value of the unlawful activity that the defendant is convicted of, and/or related unlawful activities, is at least R13 190 620.80. This is also the amount that might be realised in terms of section 18(2)(b) of POCA.

11. The State v Nthunzi and two others

The accused faced charges of racketeering, theft of Eskom cables, tampering with essential infrastructure and money laundering.

Accused 1, 2, 3 and other persons known and/or unknown to the State participated in the activities of an enterprise that involved planned, continuous and repeated participation in the theft of Eskom overhead copper cables, as well as damaging, tampering with or destroying essential infrastructure.

The accused were found guilty and sentenced to 16 years', 16 years' and 12 years' imprisonment respectively.

12. The State v Obono



The accused is a Nigerian national who was accused of trafficking a 12-year-old child for sexual purposes and rape.

While at a picnic with friends, the victim was taken under false pretences by an adult female and subjected to drugs and prostitution by the accused, who also raped her several times. She was traumatised by the events and had to be assisted by psychological experts, who also testified during the trial about her state of mind.

The accused alleged in court that the victim was his girlfriend and that he was not aware that she was 12 years old. The prosecutor could have accepted a plea on the second lesser count at this stage but was adamant that the accused was guilty of Trafficking in Persons (TiP).

The prosecutor also decided to enrol the case in the High Court rather than the Regional Court due to delays experienced in the latter. An indictment including TiP charges was drawn up and approved by the DDPP responsible. Expert testimony was heard by remote link and the victim was persuaded to testify.

The accused was convicted on all counts and sentenced to life imprisonment.

13. The State v Mashau



The accused was convicted of 21 counts of fraud, 12 counts of contravention of section 4 of POCA and one count of contravention of section 6 of POCA, relating to false income tax returns to the value of R57 383 967.

The accused was sentenced to 48 years' imprisonment.

Terrorism

1. The State v Brandon Lee Thulsie and another



The accused, two brothers who are South African citizens, were charged with 12 counts relating to the contravention of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act 33 of 2004. The charges related to their conspiracy to carry out terrorist activities in South Africa and their attempt to leave South Africa to join a terrorist entity named the Islamic State of Iraq and the Levant in Syria. They entered into a section 105A plea and sentence agreement with the state, under the terms of which they each pleaded guilty to two counts.

Accused 1, Brandon Lee Thulsie, was sentenced eight years' imprisonment and accused 2, Tony Lee Thulsie, was sentenced to six years' imprisonment. The time spent in custody awaiting trial was

considered as time served.

This matter created new jurisprudence, as it was the first conviction relating to international terrorism in South Africa.

Corruption, Fraud And Other Related Matters

1. The State v Musiiwa Clement Raphalalani



The accused was convicted of 25 counts of fraud and corruption relating to a tender process whereby Pengson Manufacturing and Distribution was awarded a R2.7 million tender.

The accused is a former procurement manager of Kutama Sinthumule Correctional Centre, Pengson Manufacturing, Clemenson Carriers and Distributors and Vhelenda Zwashu Trading Enterprise(s), who committed these offences between 2010 and 2018.

The accused was sentenced to pay R100 000 or serve 10 years' imprisonment and fined a further R70 000 or serve eight years' imprisonment. His company (Clemenson Carriers and Distributors) was fined R150 000.

2. The State v Vincent Mokoana



The accused was convicted of corruption in the amount of R2200 for trying to bribe Colonel Mothoa, a police commander, to assist him in releasing his motor vehicle which was impounded and forfeited to the state.

He was sentenced to a fine of R25 000 or five years' imprisonment.

3. The State v Cawe



The accused, a clerk of the court employed at the Queenstown Magistrate's court, was convicted of corrupt activities relating to public officers.

The complainant owned a shop. He received a fine for not having a licence for the shop and it was closed until he obtained one. The complainant approached the accused who issued him a letter allowing him to re-open the shop and stating that the fine was deferred. The accused took R500 from the complainant for the letter. The letter gave the impression that it was written by a member of the NPA. When the complainant found out that the letter was not correct, he approached the SPP for help.

The accused was sentenced to R9000 or 18 months' imprisonment and a further 36 months suspended for five years.

4. The State v Molatelo Herbert Serumula



Molatelo Herbert Serumula (46), a former prosecutor with the Morebeng Sexual Offences Court, was charged with corruption.

The accused was arrested on 19 November 2018 after he demanded a bribe of R2000 from a complainant to destroy a docket. The complainant gave the accused R1500, and the accused withdrew the case. Serumula kept on demanding money from the complainant and asked the complainant to buy him a vehicle.

The accused was sentenced to four years' imprisonment.

5. The State v Scholtz

The accused, an accountant with the Bergriver Municipality, was convicted of various counts of fraud and money laundering involving an amount of R4 170 410,04.

The accused was sentenced to 12 years' imprisonment (of which 4 years was suspended) for the fraud and 8 years' imprisonment for the money laundering, which was ordered to run concurrently with the sentence for the fraud.

6. The State v Dlamini



The matter came about after the Constitutional Court in the matter of *Black Sash v Minister of Social Development and others* ruled that the contract between SASSA and Cash Pay Master Services was invalid. Former Minister Bathabile Dlamini was given an opportunity to file an affidavit as to why she should not be made a party to the proceedings in her personal capacity in as far as costs are concerned.

Affidavits were filed in the Constitutional Court that raised conflicts of facts in relation to an alleged parallel process of responsibility initiated by the former Minister. The Court ordered that an inquiry in terms of section 38 of Superior Court Act 10 of 2013 be held. The parties agreed on a referee and retired Judge President Ngoepe was appointed. A full

investigation took place, and the inquiry report was compiled by JP Ngoepe was handed to and adopted by the Constitutional Court.

It was at this inquiry that it was found, amongst others, that the former minister might have given false evidence under oath to avoid being held personally liable for costs. The Court ordered that the order be referred to the NPA and SAPS to investigate possible perjury charges.

After consultation, it was decided that there was a case for the former minister to answer and a J175 was issued for the minister to appear on common law perjury charges.

The first pertinent issue was to ensure that the record of the inquiry was accepted into evidence as being a record of judicial proceedings in terms of section 35 of the Superior Court Act. The second priority was to make sure that the unsigned statement by the former minister was handed in as an affidavit, as it was confirmed at the inquiry to be under oath by the accused and her counsel. Only one witness, Mr. Thokozani Magwaza, the former CEO of SASSA, was called in corroboration. At the close of the State's case, the accused unsuccessfully applied for a discharge in terms of Section 174. The accused did not testify and opted to call a witness instead. The witness contradicted the accused's version of events materially during cross examination.

The accused was found guilty as charged. The prosecution team argued for a more stringent sentence since the accused was not an ordinary citizen, but the former minister of a very important government department entrusted with the responsibility of making sure that the destitute, poor and downtrodden of the country receive social grants. **The accused was sentenced to R200 000- or four-years' direct imprisonment, half of which was suspended for five years on condition she is not convicted of a similar offence during the period of suspension.**

7. The State v Lebetsa

The accused, an official from the Department of Home Affairs, was convicted of corruption for arranging false work permits for foreign nationals.

The accused was sentenced to eight years' imprisonment.

8. The State v Carstens

The accused, a SAPS official, was convicted of fraud, electronic communications and transactions violations and money laundering for unauthorised accessing of SAPS' systems and diverting monies to herself and another.

The accused was sentenced to an effective period of five years' imprisonment for losses of R72 000.00.

9. The State v Gerald Nolan Van Nel and Justin Mthetheleli Mhlontlo

Two police officers were convicted on a charge of corruption.

They accepted a bribe to return dagga that had been confiscated during a search and seizure.

The accused were sentenced to an effective five years' imprisonment.

10. The State v Janda

The accused, the director of a private company, was convicted of fraud and money laundering. The accused defrauded the JB Marks Local Municipality. He received R1,750,258.20 into his bank account, which he then transferred into other accounts to disguise the origin of the money.

He was sentenced to 15 years' imprisonment in the Potchefstroom Regional Court.

11. The State v Daguda



The accused pleaded guilty to 18 counts of fraud and defeating the administration of justice.

A Standard Bank forensic investigation discovered that one of their employees, Thandeka Mlangeni (32), had fraudulently issued a bank card on 23 January 2020 in the name of Dr LN Miller without his knowledge. Mlangeni linked this card to Miller's Marketlink account and effected two payments of R500 000 each on 24 January and 3 February 2020 into the bank account of Daguda. Adv. Tammy McPherson requested that the court impose a term of direct imprisonment on the accused because, even after his release on bail, he committed further criminal acts by obstructing the course of justice when he

misrepresented the whereabouts of the vehicle that was obtained from the proceeds of his unlawful activities.

The accused was sentenced to 14 years' imprisonment of which four years was wholly suspended for a period of five years.

12. The State v F G De Bruin



The accused, a former Warrant Officer, was found guilty of corruption, theft and defeating the ends of justice.

On the 20 January 2021, the accused approached a Ward Councillor who was the suspect in a reckless driving case. The accused informed the Ward Councillor that he could steal the police docket related to his case and sell it to him for R5000. The accused was not investigating this case. The Ward Councillor reported the incident to the authorities, and it was turned over to the Provincial Anti-Corruption Unit. A trap was arranged, and the exchange took place. The Warrant Officer was given R5 000 cash, and the suspect was given the police docket wherein he was the suspect. Thereafter, members of the Anti-Corruption Unit

searched the accused's residence and found a receipt from a pawn shop where a state laptop had been pawned. R5000 cash was also found in his possession.

The accused was sentenced to 15 years' imprisonment for corruption, 15 years' imprisonment for the theft of the SAPS laptop, 15 years' imprisonment for the theft of the police docket and five years' imprisonment for defeating the ends of justice.

13. The State v David Malefetsane Mofokeng and others



The accused were found guilty of fraud and corruption.

The convictions are the outcome of an investigation by the Hawks in 2012 into allegations of fraudulent activity by members of SAPS, immigration officers from the Department of Home Affairs and a member of the Port Health at the Caledonspoort border post at Fouriesburg. The accused were demanding money from Lesotho immigrants who did not have the correct documentation.

The accused were sentenced to fines between R30 000 and R55 000, or five years' imprisonment.

14. The State v Mamba and two others

The Reitz Magistrates' court convicted two former municipal officials and a service provider of fraud, contravention of the Tender Procurement Act and money laundering.

The former mayor of Nketoane Local Municipality, Mandla Mamba, and former Chief Financial Officer, Vincent Mkhafa, awarded a tender to Caroline Nketu, a service provider, for the installation of equipment in the parks. Incorrect procurement procedures were followed, quotations were inflated and Nketu was to pay kickbacks to the municipal officials. Investigations revealed that Mamba first sourced Susan le Roux as a service provider and requested her to submit a quotation for playground equipment and she submitted a quotation of R32 900. The equipment was later delivered, and she received payment from the municipality for the said amount. During the same period, Nketu was requested to submit a quotation for the same contract. She submitted two quotations of R198 000 each. Mkhafa authorised these payments and Nketu was paid R165 000 on 26 May 2011 and R198 500 on 23 June 2011. Nketu did not render any service to the municipality for either payment. On behalf of the state, Adv. Mvuseni Ponye and Adv. Thokozile Zumane argued for a harsh sentence because the three accused siphoned off R350 000 from a struggling municipality.

Mamba and Mkhafa were sentenced to eight years' imprisonment each, while Caroline Nketu was sentenced to four years' imprisonment.

15. The State v Kwababa



The accused, who worked at the small claims court in Bloemfontein, defrauded four complainants out of R8400.

After pleading guilty, she was sentenced to five years' imprisonment, which was wholly suspended. A successful section 18 application was brought for the amount of R8400.

16. The State v Matlaletsa



The accused pleaded guilty and was convicted of contravention of sections 3 (a) and 3 (b) of the Prevention and Combating of Corrupt Activities Act and fraud.

Accused 1, who was employed at Ngwathe Municipality, made an offer to Gert Petrus Knoesen that they could nullify the debt on his municipal account in return for R 11 000. Accused 2 sent a WhatsApp with a document showing that Knoesen's municipal account was in credit for R 25 199.10. Knoesen brought this to the attention of the authorities. The accused wanted payment of R11 000 and even threatened Knoesen that his municipal account would be placed in debit again. The police became involved, and a section 252 A authority was arranged for the payment of

the money to the accused. Accused 1 arrived at the pre-arranged meeting place and was arrested by the police. During his arrest, accused 1 indicated to the arresting officials that he could do something for the arresting officer should they let him and the case go.

Accused 1 was sentenced as follows: for contravening Sections 3 (a) and 3 (b) of Act 12 of 2004, 10 years' imprisonment of which five years is suspended for a period of five years on condition that the accused is not found guilty of the same offence during the period of suspension; for fraud, five years' imprisonment wholly suspended on condition accused is not convicted of fraud committed during the period of suspension. The accused was declared unfit to possess a firearm.

17. The State v Hardien



During the course of 2014, Mr. Roets, the Financial Director at Sedibeng Breweries (Sedibeng), noticed that the variable costs relating to manufacturing were extremely high. As a result, an internal review was conducted between 28 May 2014 and 4 June 2014, whereby personnel involved with ordering packaging material were requested to give explanations for certain discrepancies. Mr. Naaym Hardien then approached the Procurement Manager at Sedibeng, Mr. Ellis, and admitted that he had been involved in fraudulent transactions relating to a supplier company, Blakey Investments, which at the time was a supplier of plastic shrink wrap to Sedibeng. Mr. Hardien admitted that he colluded with the Director of Blakey Investments, Mr. Panday,

to defraud Sedibeng by submitting and processing fraudulent invoices for stock that was never delivered by Blakey Investments and never received by Sedibeng. He was compensated for his efforts.

The accused was sentenced to 15 years' imprisonment, of which seven years were suspended for five years.

18. The State v Ramalata and two others



The three accused were students at the Technical University of Tshwane (TUT). They informed Fidelity Security that they must pay certain amounts to ensure their continued tenure at TUT. The accused were arrested after a trap was set.

All three accused were sentenced to six years' direct imprisonment.

19. The State v Moraka and another



The accused pleaded guilty and were convicted of 53 counts of fraud (with corrupt intent).

Accused 1 was employed by Eskom as Financial Controller: Primary Energy. Accused 2 was a sole member/director of Meagra Transport CC. Accused 1 and 2 acted together to submit fraudulent claims for payment by pretending that Meagra Transport CC had transported and delivered coal to Eskom power stations, which was not the case. The total loss to Eskom amounted to R34 984 427.57.

Both accused were sentenced to an effective term of 20 years' imprisonment.

20. The State v Shaik and Nadason

The accused persons, employed by SARS, were charged and convicted of contravention of section 5(a) of the Prevention and Combating of Corrupt Activities Act.

The cases were related to fraudulent VAT refunds to three companies, involving an amount of R3 million.

Accused 1 (Shaik) was sentenced to 14 years' imprisonment and accused 2 (Nadason) to six years' imprisonment.

21. The State v Mosenthal

The accused entered into a plea and sentence agreement and was convicted of reckless and negligent driving, corruption, resisting arrest and defeating the ends of justice.

The accused was sentenced to a fine of R50 000 or a term of five years' imprisonment. The accused paid the fine of R50 000, whereas the amount he tried to bribe the police with was a mere R20.

22. The State v Kohlani



The accused, a district court prosecutor, was convicted of corruption for accepting a bribe of R1 500 to withdraw a case against a member of the public.

The complainant (who was the accused in the matter that was to be withdrawn) reported the matter to the police. The DPCI became involved with a Section 252A entrapment.

The Regional Court handed down a very lenient sentence of R60 000 fine or three years' imprisonment, and a further two years' imprisonment wholly suspended for a period of five years on condition that he is not found guilty of corruption, fraud or theft during the period of suspension. The State found the sentence inappropriate and

approached the High Court for leave to appeal against the sentence, which was granted. The accused successfully sought leave to appeal against his conviction.

On 31 March 2021, the High Court dismissed the appeal against the conviction and upheld the State's appeal against the sentence. The sentence imposed by the Regional Court was set aside and was substituted with six years' direct imprisonment, of which two years was conditionally suspended for five years.

In June 2021, the accused approached the Supreme Court of Appeal (SCA) with an application for special leave to appeal the decision of the High Court. Adv. Makhaga of the Organised Crime Component filed a notice of intention to oppose the application. On 21 July 2021 the application for special leave to appeal was dismissed by the SCA on the grounds that there were no special circumstances meriting a further appeal to the SCA.

23. The State v Nkala and four others

The Durban Specialised Commercial Crimes Court convicted five Road Traffic Inspectorate (RTI) officers from the uMngeni licensing office in Howick for their role in the commission of 503 counts of fraud.

Dumisani Nkala, Lindiwe Xulu, Meshack Ndlovu, Nkosinathi Zondi and Dumisani Phungula helped numerous motor vehicle learner's licence applicants to pass their tests by using a hidden light-emitting device to discretely point out the correct answers to the applicants.

The state, represented by Senior State Adv. Mlungisi Magwanyana, led the evidence of applicants who had already pleaded guilty, as well as video footage showing the accused committing the offences.

Nkala was sentenced to eight years' imprisonment, wholly suspended for a period of five years on condition that he is not convicted of fraud or theft during the period of suspension. He was sentenced to an additional three years of correctional supervision. Xulu and Zondi were each sentenced to seven years' imprisonment, while Ndlovu and Phungula were sentenced to four years' imprisonment each.

24. The State v Mabaso and Dlangalala

The Durban Specialised Commercial Crimes Court convicted two policemen, Sergeants Musawenkosi Mbusi Mabaso (46) and Thulani Patrick Dlangalala (46) of corruption. Mabaso and Dlangalala, who were stationed at the Berea Police Station, were requested by their supervisor to collect a suspect who had been arrested on arrival at King Shaka International Airport. On their way to the police station after collecting the suspect from the airport, Mabaso and Dlangalala demanded R7 000 from him so that he could be released and attend court the following day on his own accord. Since the suspect did not have the money on him, they made him phone his father. The suspect's father and his wife managed to gather R4 500. The R4 500 was handed over to the policemen and the suspect was released on condition that they pay the remaining R3 000 later that day. The suspect's father alerted the Hawks, and a trap was set up. The remaining R3 000 was given to Mabaso and Dlangalala and they were arrested.

The accused were sentenced to 10 years' imprisonment each.

25. The State v N Sekola and another

The accused were convicted of corruption.

The accused tried to buy 5000 visa permits used by foreign nationals to gain entrance into South Africa or to remain in South Africa legally. A duly authorised trap in terms of section 252A was conducted.

The accused were sentenced to 15 years' direct imprisonment.

26. The State v Valencia T Lukhele

The accused was convicted of money laundering at the Nelspruit Magistrates Court.

The accused and her father were members of an entity called Muzithe Trading CC. The entity was registered for Income Tax Purposes and submitted returns claiming foreign tax credits to the amount of R417 000. Upon receipt of a refund from SARS, Ms Lukhele transferred the money into different accounts held in the name of various people in contravention of section 6 of POCA.

She entered into a 105A plea and sentence agreement and was given a suspended sentence.

27. The State v Khathutshelo Mashau



The accused was found guilty of 22 counts of fraud and acquisition of the proceeds of crime (Section 6(a) of POCA).

The accused filing Income Tax Returns on the behalf of the victims, claiming inflated travel allowances, medical expenses not recovered and Retirement Annuity contributions, amongst others. He altered their bank accounts to reflect his own and diverted the refunds into his own bank accounts.

He was sentenced to an effective term of 48 years' direct imprisonment.

28. Top 10 Priority Case List

a) VBS Mutual Bank

The Venda Building Society (VBS) was used to elicit deposits from private persons and municipalities under the guise that they would invest the monies. Large simulated “loans” were made to various people and organisations without the possibility or intention of recovering the loans.

The main case was enrolled before court on 24 January 2022 for trial. The three legs of the case are: the Collins Chabane Municipality (Charlotte Ngobeni); West Rand/ Merafong; and Mafikeng. The matter relating to the Feta Kgomo Municipality is arranged for enrolment on 01 March 2022.

During October 2020, former VBS Mutual Bank chief financial officer Phillip Truter entered into a plea and sentence agreement with the State, pleading guilty to charges of racketeering, fraud, money laundering, corruption and contravention of tax laws. Truter was the eighth accused in the case, alongside former VBS chairperson Tshifhiwa Matodzi, former chief executive officer Andile Ramavhunga, former VBS treasurer Phophi Mukhodobwane, as well as former non-executive VBS board members Ernest Nesane and Paul Magula.

Truter admitted, amongst others, that he unlawfully prepared false annual financial statements, and handed them to VBS, its shareholders, creditors and registrar as though the statements were a fair presentation of the bank’s financial position as of 31 March 2017.

He further admitted that he unlawfully accepted gratification amounting to R5 million, and that the amount of R2 million, which was the proceeds of fraud and corruption, was paid to the Shangri La account for a period of two years, with the view to laundering same.

Truter was sentenced to an effective seven years’ direct imprisonment.

29. Inter-Ministerial Task Team in the North West (IMTT)

Some of the matters currently before the courts:

a) Rustenburg Local Municipality

The complainant alleged that three employees within the salary department of the Rustenburg Local Municipality connived with their colleagues to deposit money into their accounts as acting allowances, which they would then withdraw and share it amongst themselves.

The matter was remanded to January 2022 pending the outcome of representations by accused 2. Accused 3 passed away during 2021. Accused 1 had entered into an agreement with the municipality after a disciplinary hearing and paid an amount of R57 767.60. In August 2019, accused 1 was found guilty and sentenced to 10 years’ imprisonment of which five years is suspended for five years on each count.

Specialised Tax

1. The State v RMC Pharmacy (Pty) Ltd and another



The accused were charged with a failure to submit company income tax returns for the period 2009 to 2017.

Representations were made to the Specialised Tax Unit (STU) and, based on the facts of the case, it was decided that this was a suitable case for diversion. Diversion would provide a much better outcome in terms of the accused making reparations to society for his conduct rather than being criminally prosecuted and being sentenced.

The accused, Dr Moosa, is a surgeon/specialist. Given the shortage of resources and long waiting lists at state hospitals, the Deputy DPP responsible for the STU suggested to the defence that the prosecution would be willing to divert the case against Dr Moosa if he

agreed to conduct 12 operations free of charge on patients identified from the Groote Schuur Hospital waiting list. This was arranged with the assistance of Dr Patel and her colleagues from Groote Schuur, and the 12 patients were identified. Dr Moosa performed the operations at the Rondebosch Medical Centre Hospital and accused 1, RMC Pharmacy, carried the related costs, including the anaesthetist and the hospital admission of the patients. There were thus no costs involved for the patients or Groote Schuur Hospital.

RMC Pharmacy pleaded guilty and was sentenced to a R15 000-00 fine which was suspended on conditions.

The case against Dr Moosa was withdrawn in court on 16 April 2021 after the court was informed that he had successfully completed the diversion agreement with the State.

Environmental Crimes

1. The State v Shiwanapo



The accused was convicted of restricted activity involving threatened or protected species without a permit, trespassing, entry upon land with a weapon and criminal gang activities

In June 2013, the accused requested Mr. Ndemwoongela's help in identifying the whereabouts of the rhinos in Kroonstad district to illegally poach them. On 22 June 2013, the accused met with Mr. Ndemwoongela to discuss the illegal hunt and the payment for his involvement. An undercover operation was initiated. On 2 November 2013, the accused, together with Elias Regodi Talane, Michael Siboba and McDonald Mfune, travelled from Gauteng to Kroonstad with the

intent of carrying out the planned rhino poaching. The accused gave Mr. Ndemwoongela R18 000 cash and showed him the hunting rifle and ammunition they intended to use for hunting the rhinos. Mr. Ndemwoongela showed them where the rhino camp was. The accused entered the rhino camp in possession of a .270 hunting rifle and a 9mm pistol with ammunition.

The accused was sentenced to five years' imprisonment.

2. The State v W Kwintshana



The accused was convicted of housebreaking with intent to steal, theft and the possession, transport and sale of two rhino horns. Kwintshana and Solomon Diphoko broke into the African Artistry Taxidermy Game Reserve. The police were called after workers arriving at the game reserve on the morning of the incident found that it had been broken into. Fingerprints implicated Kwintshana, who was already in the system because of a previous criminal record. Diphoko, who was an employee at the game reserve, was arrested later and confessed to his employer that he was involved in the break in. It was later discovered that the horns were sold on the black market in Johannesburg for R200 000. However, the police could not trace the buyer.

The accused was sentenced to an effective seven years' imprisonment.

3. The State v Lourens

The accused pleaded guilty to contravention of section 57(1) of Act 10 of 2004, with regards to the possession of the rhino horn.

The accused was arrested at OR Tambo International Airport leaving South Africa for Malaysia with six pieces of rhino horn in his luggage.

The accused was sentenced to R50 000 or four years' imprisonment in the Kempton Park Regional Court.

4. The State v Ping Wu

A project code named Python aimed to investigate rhino horn smuggling from Balule in Phalaborwa to Gauteng through an undercover operation.

The targets for this project initially included Yu Chih Huang, also known as Eugene, and Shuihua Chen, referred to as Chen. The accused became a person of interest after Eugene introduced her to the agent as his wife during a meeting. The investigating officer from SAPS, Col Hall from the Directorate for Priority Crime Investigation (DPCI) in Middelburg, sold four rhino horns to the value of R1 075 000 during the operation. R1 000 000 of the money received from the accused was deposited into a gold gambling card at Emperor's Palace to be "legitimised", while R75 000 was asked for in casino chips. The card and chips were handed to the agent who booked them into the SAP 13.

Eugene and Chen were arrested with the accused on 15 August 2019, but a decision was taken to prosecute the accused separately as she only faced two counts. Eugene and Chen are charged with 20 counts and their trial is currently partly heard in the Regional Court in Kempton Park.

The accused was convicted on both counts and she was sentenced to five years' imprisonment. It should be noted that at the time of her arrest, the accused had already been in custody for two years and six months awaiting the finalisation of the matter.

The Asset Forfeiture Unit (AFU) in Johannesburg obtained a preservation order for the money as well as the card and casino chips bought with the money, and the two vehicles owned by Eugene and Chen were seized at the time of their arrest. The AFU is awaiting a date for the final forfeiture.

5. The State v Sidauke

SAPS received information that five people were in possession of a pangolin. A section 252A undercover operation was launched and six accused were arrested while trying to sell the pangolin.

The accused were convicted and sentenced to five years' direct imprisonment in the Alexandra Regional Court.

6. The State v Mupini and another

The accused were arrested on their way to sell a pangolin, which was in a bag in their vehicle. The accused were convicted and sentenced to 10 years' direct imprisonment in the Tembisa Regional Court.

7. The State v L Zondo and others

The accused were charged with theft and possession of gold bearing material to the value of R119 192.

The accused were convicted in the Westonaria Regional Court and sentenced to eight years' imprisonment.

8. The State v Matheus Willem Johannes Viljoen and Gerrit Michael Johannes Davis

The accused entered into a plea negotiation with the State in terms of section 105A of the CPA. Two undercover agents bought illegal rhino horn from two white male suspects. The seven horns weighed 16.058kg, with a buying price of R988 725. The street market value is R1 926 960.

Accused 1 was sentenced to 60 months' imprisonment suspended for five years and R100 000, which must be paid to the "Stop Rhino Poaching" organisation. Charges were withdrawn against accused 2.

9. The State v Arlando Mhlanga and two others

The Mogwase Regional Court convicted Arlando Mhlanga, Adam Hlongwane and Inancio Chauke on charges related to rhino poaching at the Pilansberg Game Reserve: three counts of illegally killing three female rhinos, possession of a prohibited firearm, possession of ammunition, possession of six rhino horns, chopping six rhino horns from three rhino carcasses, intentionally and unlawfully conveying six rhino horns, theft of three rhino horns and entering the heritage site without written permission.

The trio, who are from Mozambique, were arrested on 2 July 2018 trying to leave the game reserve in a white Ford bakkie loaded with stolen rhino horns. Bail was denied and the accused remained in police custody until the completion of the trial.

In aggravation of sentence, Adv. Douw Jacobs urged the court to consider the evidence submitted by conservation experts on the extinction of the rhino population and its impact. **The accused were sentenced to a cumulative 85 years' imprisonment. With some sentences running concurrently, Mhlanga and his co-accused will spend an effective 35 years in prison. They were also declared unfit to possess firearms. The Ford bakkie and other items that were in their possession were forfeited to the state.**

10. The State v Willy Wilson Gondwe

The accused, a Malawian citizen, was convicted of contravening S57(1A) of the National Environmental Management: Biodiversity Act, Act 10 of 2004 and being an illegal immigrant in a Limpopo regional court.

The accused was found at a truck park close to the Beitbridge border in possession of 1100 Emperor scorpions, 42 Bells Hingeback tortoises and one water lizard, all species listed in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), of which South Africa is a signatory. The accused had packaged the species in plastic carry bags hidden in 25-litre plastic containers.

The NPA had to find experts to identify the species and to testify in aggravation of evidence. Mr. E Grieb, from the Department of Forestry Fisheries and Environment, testified that these species were taken from the wild for the pet trade, they are listed as Appendix II species, and trade is regulated by permit, which the accused did not have. **The accused was sentenced to six years' imprisonment for the contravention of S57(1A) of NEMBA and two years' imprisonment for contravention of S49(1)(a) of Act 13/2002 (illegal immigrant), of which half was suspended for five years on condition that the accused is not convicted on a contravention of S9 or S49 of Act 13/2002. In addition, he was declared unfit to possess a firearm, in terms of Section 103 of Act 60 of 2000. All the animals were forfeited to the State.**

11. The State v Orateng Mekwe and Jeolous Rungano

Accused 1 pleaded guilty to a charge of contravening section 57(1) of NEMBA. Accused 2 pleaded guilty on a charge of contravening section 49(1)(a) of the Immigration Amendment Act 13 of 2002. On 19 September 2019 the police received information that the accused wanted to sell a pangolin. The Cullinan Stock Theft Endangered Species Unit and the Green Scorpions conducted an operation. On the date in question, the accused went to Silver Oaks Mall in Pretoria to finalise the transaction. Four accused were arrested and a live pangolin was seized from the accused. The pangolin was severely dehydrated and, although it was taken to the Johannesburg Wild Veterinary Hospital for treatment and rehabilitation, it died a few days later.

Accused 1 was sentenced to 10 years' direct imprisonment and accused 2 to three months direct imprisonment for been illegally in the country. Both accused were declared unfit to possess a firearm in terms of section 103 of Act 60 of 2000.

12. The State v Enock Sibanda and Eckson Shirinda

Enock Sibanda and Eckson Shirinda were convicted on charges relating to elephant poaching. The accused entered the Kruger National Park in 2018, where they shot and killed an elephant and chopped off its two tusks. Rangers on patrol at the time came across the accused carrying the tusks. One of the accused fled back to Mozambique with the firearm. The other two accused were arrested and convicted of being in possession of a firearm, based on the principal of common purpose and the fact that the elephant had died from a gunshot. DNA collected from the crime scene also linked the accused to the commission of the offence. Blood found on the axe that had been abandoned by the accused was linked to the elephant through DNA evidence.

The accused were convicted in terms of the Limpopo Ordinance; Act 7 of 2003 (LEMA) on the following: count 1: hunting and killing an elephant, which is a listed protected wild animal, and chopping off its tusks; count 2: illegal immigration, in terms of section 24 of the Immigration Act 13 of 2011 for entering South Africa without possessing any legal documents or passports; count 3: trespassing; count 4: knowingly entering the Kruger National Park with a loaded firearm.

Adv. Makhubele lead evidence in aggravation and the Kruger National Park officials testified about the frequency of unlawful hunting, the loss of wildlife due to unlawful hunting, the statistics of such loss, the financial impact on the Kruger National Park, the impact of unlawful hunting on their visitors, the insecurity that exists due to unlawful hunting, the rationale behind hunting and the removal of elephant tusks, the illegal trade associated with poaching elephants and rhinos, and other issues.

The accused were sentenced to 17 years' imprisonment and will serve an effective eight years' imprisonment due to the sentences running concurrently.

16. The State v Wood Glaze (Pty) Ltd



Durban company Wood Glaze (Pty) Ltd pleaded guilty to contravention of the National Environmental Management Waste Act, contravention of the National Water Act and two counts of contravention of the National Environmental Management Act.

In 2012, Wood Glaze bought land in Phoenix from eThekweni Municipality, where they envisaged building low-cost houses for disadvantaged and impoverished communities. However, the company used gravel and building rubble to fill in wetland so that the houses could be built. This caused parts of the wetland to erode, negatively affecting the wetland and its buffer area. In their plea, Wood Glaze conceded that they did not obtain permission from the Department

of Environmental Affairs prior to infilling or depositing material into the watercourse/wetland; they negligently committed an act that has caused significant pollution, degeneration of the environment and the disposal of waste into the wetland/watercourse on the property.

The company was fined a total of R7.5 million in the Durban Regional Court. It was fined R1 875 000 per count, of which R1 250 000 per count is suspended for five years. The company also has to appoint a multidisciplinary specialist team to effectively rehabilitate the wetland. This team must be set up within 60 days of the court order.

17. Illicit mining

The NPA has successfully obtained convictions in 325 cases during the period of 2021 to 2022, with 91 cases resulting in sentences of direct imprisonment and 288 illegal immigrants convicted. Convictions were obtained on a range of charges of theft, possession of unwrought precious metals, illegal mining, being illegal in the country and trespassing. Direct imprisonments were imposed on charges of gold theft (eight years), trespassing (two years) and illegal immigration (18 months). The NPA prefers money laundering charges against illegal miners where appropriate. The NPA has a focus on dealing effectively with corruption related to illegal mining. A mine employee who was convicted on a charge of corruption for rendering assistance to illegal miners was sentenced to a fine of R20 000 or three years' imprisonment and another five years' imprisonment suspended for five years. In another matter, an accused was sentenced to five years' direct imprisonment on a charge of corruption.

The NPA pursues prosecutions in terms of POCA and has, in the reporting period, enrolled seven organised crime cases. In one prosecution, the accused – a gold buyer, a second hands good dealer and a registered refinery – were charged with dealing in gold and money laundering related to the sale of R755 million worth of gold. In another matter, three people were arrested for buying gold to the value of R1.9 million in four transactions.

The in-transit smuggling of gold through international airports within South Africa remains a legislative challenge, especially considering that fingerprinting gold is hampered by the purity of smuggled gold. **Four accused are respectively indicted in two separate matters for smuggling 12.2kg of gold from Zimbabwe and 73.5kg from Madagascar enroute to Dubai.**

Copper Theft And Damage To Essential Infrastructure

1. The State v Moyane

The accused were caught cutting electricity poles by SAPS. Copper cables ran through these poles. **Although the damage was negligible because the accused were caught in situ, they were sentenced to six years' imprisonment on a charge of theft and three years' imprisonment on a charge of contravention of section 3(1)(a) of Act 18 of 2015.**

2. The State v Edwin Ndlovu and three others

The accused, all foreigners, stole batteries from MTN cell phone towers. They were pursued by police and threw some of the batteries out of their moving vehicle but were eventually arrested. **After a protracted trial, the accused were found guilty and each sentenced to 12 years' imprisonment.**

3. The State v Alvin Kruger



The accused was found guilty of housebreaking with intent to steal, theft and damaging essential infrastructure in contravention of section 3(1) of Act 18 of 2015.

The accused blew up a Standard Bank ATM with explosives, broke open a section of the machine and gained entry to the inner part of the bank. He was caught in the act.

He was sentenced to 15 years' direct imprisonment.

4. The State v Witness Mlambo and Christian Thabethe



Witness Mlambo and Christian Thabethe, Zimbabwean nationals, were charged with malicious damage to property after damaging a high security padlock, networking cable and a security gate.

The duo damaged the infrastructure of the Vodacom towers where they gained access by damaging the high security padlock and other property. They stole six batteries from Vodacom towers to the value of R144 000.

They were each sentenced to eight years' imprisonment.

Drug-Related Matters

1. The State v Potgieter

The accused attempted to smuggle 5.28kg of cocaine to the value of R5 million to Hong Kong via OR Tambo International Airport.

He was convicted and sentenced to 10 years' direct imprisonment.

Legal Affairs Division: Noteworthy Matters

1. Mr Joao Antonio Jan Rodrigues

Rodrigues was charged with premeditated murder in 2018, after an inquest into the death of Ahmed Timol, an anti-apartheid activist who died in 1971, was reopened. Rodrigues brought an application for a permanent stay of prosecution, which was unsuccessful. He was granted leave to appeal the decision to the SCA, which dismissed the application on 21 June 2021. The applicant approached the Constitutional Court for relief. He contended that the political interference in this matter infringed his right to a fair trial and his right to have his trial begin and be concluded within a reasonable period. He also contended that his right to adduce and challenge evidence effectively, as envisaged by the Constitution of the Republic of South Africa, 1996 section 35(3)(i), had been infringed. Rodrigues passed away before the matter was finalised. The Foundation for Equality before the Law (the Foundation) sought an order in terms of Rule 7(1) and (2) of the Rules of the Constitutional Court to proceed with the Application. The Constitutional Court dismissed their application, finding that the Foundation is not an authorised representative or competent person as envisaged in rule 7(1) and (2). **The court dismissed the application for leave to appeal, which has become moot because of Mr Rodrigues' death. The court decided not to award costs.**

Investigating Directorate Cases

1. ID wins against Regiments Capital



The High Court of South Africa, Gauteng Division, Johannesburg, upheld an application by the ID to restrain the assets of Regiment Capital to the value of over R1 billion. The interim restraint initially awarded in favour of the ID in November 2019 was discharged in October 2020 on grounds of failing to disclose material information about the company.

The court of Appeal, led by Judge R. Keighley, ordered that the restraint order initially issued by Judge Wright be varied from R1.108 billion to R1.6 billion. However, due regard should be taken to the repayment that Regiments has made to the Transnet Second Defined Benefit fund in the amount of R639 million. This takes the total restrained to R1.05billion.



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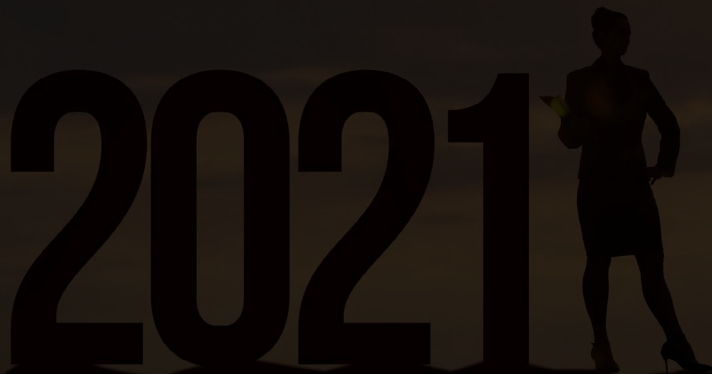
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