



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA
MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF
APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 13 July 2026

Status: Immediate

The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal

Molopo v The State (1115/2026) [2026] ZASCA 100 (13 July 2026)

Today, the Supreme Court of Appeal (SCA) dismissed an appeal against a decision of the full court of the North Gauteng Division of the High Court, Pretoria, which upheld the appellant's convictions for housebreaking with intent to rob, robbery with aggravating circumstances and murder.

The appeal concerned the reliability and probative value of dock identification. The appellant was convicted on the strength of the identification evidence of two eyewitnesses who identified him for the first time in court. No prior identification parade was held.

The offences arose from an armed robbery committed at the home of the Tolo family in Gamasha Village, Sekhukhune District, on 22 August 2011. During the robbery, Mr Lekoba Jack Tolo was fatally shot, and cash and other personal items were stolen. The appellant was identified by two eyewitnesses as the only assailant whose face was not concealed during the robbery. The appellant denied any involvement in the offences and raised an alibi defence.

Before the SCA, the appellant contended that the convictions were improperly based on dock identification in the absence of an identification parade and that the courts below had erred in rejecting his alibi defence.

The SCA reaffirmed that dock identification is inherently problematic and generally carries less weight than an identification made pursuant to a properly conducted identification parade. However, the absence of an identification parade does not render such evidence inadmissible. The decisive enquiry remains whether the identification is reliable when assessed in the light of all the relevant circumstances.

The SCA found that the identification evidence was reliable. Both witnesses had a prolonged opportunity to observe the appellant at close range in favourable lighting conditions and their descriptions of his appearance were consistent and mutually corroborative. The SCA further held that the appellant's alibi, when assessed against the totality of the evidence, did not give rise to a reasonable possibility that he was not present at the scene.

Having regard to the totality of the evidence and the probabilities, the SCA concluded that the possibility of an honest but mistaken identification had been excluded and that the State had proved beyond reasonable doubt that the appellant was one of the perpetrators. The appeal was accordingly dismissed with costs.

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