



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 26 March 2015
STATUS Immediate

Jimmy Sebone Seemela v The State (20508/2014) [2015] ZASCA 41 (26 March 2015)

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

Media Statement

Today the SCA upheld in part an appeal by Mr Jimmy Seemela against his conviction on two counts of murder and the sentence of life imprisonment. The appellant and Ms Maggie Rapao (the deceased on count 2), who was approximately 20 years his junior, had been involved in a relationship. That relationship ended in 1997 when the appellant stabbed Ms Rapao with an okapi knife after learning that she had become involved in a relationship with one Mr Jabu Mathebe (the deceased on count 1). The appellant was charged with the assault of Ms Rapao. On 24 February 1998 Ms Rapao testified against the appellant at the Seshego Magistrates' Court in support of that charge. At approximately 6:00 pm that very evening, so the state alleged, Mr Mathebe, a taxi driver, was busy offloading passengers when he was approached by the appellant, who shot him once in his back whilst he was seated in the driver's seat of his taxi. After the shooting of Mr Mathebe the appellant called on the home of Ms Rapao, where she was shot by him.

The SCA lamented the fact that the trial in this matter had only commenced some twelve years later, by which stage many crucial state witnesses had died. The state case against the appellant thus rested in the main on statements by those witnesses. The trial court convicted the appellant of both murders and he was sentenced to life imprisonment in respect of each. He was also convicted of the possession of an unlicensed firearm and ammunition. His appeal to a full court failed.

In respect of the murder of Mr Mathebe, the SCA observed that the sole evidence implicating the appellant in the commission of that offence was the statement of the deceased and that the trial court did appear to appreciate the dangers of relying solely on that statement to found a conviction. It accordingly set aside that conviction. In respect of Ms Rapao: the SCA was satisfied that on all of the available evidence it had been established that, despite the appellant's denial, he was indeed the perpetrator. The SCA however found that it had not been established beyond reasonable doubt that Ms Rapao's death, which only occurred some nine months later, had been causally linked to the shooting. It accordingly altered the appellant's conviction on that count to one of attempted murder.

In sentencing the appellant to a term of imprisonment for twelve years the SCA referred to several studies that reflected an alarming incidence of intimate partner violence. The SCA observed that this is a serious social problem, about which, fortunately, we are at last becoming concerned. Of the appellant, the SCA remarked, that he acted in a manner that is unacceptable in any civilised society that should be committed to the protection of all persons, including women.

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