



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 18 March 2016
STATUS Immediate

Please note that the media summary is for the benefit of the media and does not form part of the judgment.

Mojapelo v The State (574/2014) [2016] ZASCA 22 (18 March 2016)

MEDIA STATEMENT

The Supreme Court of Appeal (SCA) handed down judgment in the appeals of Ms Sophie Tinky Mojapelo and Ms Antoinette Nkhesani Masuku against their convictions for murder and sentences of life imprisonment imposed by the South Gauteng High Court (Vereeniging Circuit) and confirmed by the full court of the North Gauteng High Court, Pretoria. On 17 February 2016 the appeals were upheld and their convictions and sentences were set aside.

The appellants had been convicted of the murder of Mr Albert Mojapelo, the husband of Ms Tinky Mojapelo, on the basis that they had hired a Mr Mandoza to hijack his vehicle and to murder him, which had duly been done. Before the SCA, the question was whether the convictions were correct in the light of the fact that the only evidence against the appellants was that of an accomplice to the murder, a Mr Malwane, who was warned in terms of s 204 of the Criminal Procedure Act 51 of 1977, and whose evidence was found to be untruthful and uncorroborated.

In its judgment, the trial court held that Mr Malwane's evidence did 'not make sense', was 'bizarre', 'nonsensical', and 'unbelievable', so much so that the trial court did not discharge Mr Malwane from prosecution. Nevertheless, despite there being no reliable corroborating evidence implicating the appellants, and in spite of the cautionary rules relating to the evidence of accomplices, the trial court and the full court accepted Mr Malwane's version of events insofar as it related to the guilt of the appellants.

The SCA held that this was clearly wrong, and accordingly set aside the appellants' convictions and sentences.

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