

SOUTH AFRICA / JUDGMENT

S v Hofmeester and Another (Sentence) (CC25/2020) [2025] ZAWCHC 278 (17 June 2025)

[2025] ZAWCHC 278

COURT

Western Cape High Court, Cape Town

BEFORE

Holderness

CASE / FILE NUMBER

CC25/2020

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FLYNOTES:

CRIMINAL – Murder – Sentence –
Gang
shootings – Child victim – Devastating impact on
victims' families and community – Prolonged
pre-sentence detention insufficient to constitute substantial and
compelling circumstance – Severity of offenses demanded
robust sentences to reflect societal condemnation and protect
vulnerable communities – Expressions of remorse were
superficial – Gang affiliation continued – No
substantial and compelling circumstances depart from prescribed
life sentence.
IN
THE HIGH COURT OF SOUTH AFRICA
(WESTERN
CAPE DIVISION, CAPE TOWN)

JUDGMENT

Case No.: CC25/2020

In the matter between:

THE STATE

and

CARLO HOFMEESTER

Accused one

CHADWIN ISAACS

Accused two

Neutral citation:

Coram: HOLDERNESS J

Date of hearing (argument):

Date of judgment: 17 June 2025

Summary:

JUDGMENT DELIVERED ON 17 JUNE 2025

HOLDERNESS, J:

Introduction

- [1] ‘Children should not die before their parents’. These are the words of Mr. P[...] K[...], the father of V[...] G[...], the five-year-old boy the accused has been convicted of murdering.
- [2] This is my judgment on sentence, following the conviction of the accused, Mr. Carlo Hofmeester (Accused No. 1) and Mr. Chadwin Isaacs (Accused No. 2), on 5 June 2025 on count 1, the contravention of section 9(2)(a) of Act 121 of 1998, count 2, the murder of V[...] G[...] (the deceased) a charge of murder, nine counts of attempted murder, the possession of an unlicensed firearm and ammunition.
- [3] The accused both gave evidence in mitigation. The victim impact affidavits of the parents of the deceased, Mr. P[...] K[...] and Ms. R[...] G[...], were read into the record by Adv Snyman. No further evidence was given in aggravation of sentence.

Accused No.1

- [4] Accused No. 1 is 34 years old. He is unmarried and the father of three children, each with different mothers, aged 15, 11 and 6 years old. The children are in the care of their mothers. There was no evidence to suggest that Accused No. 1 had a close relationship with his children, nor that he financially supported them.
- [5] His highest standard attained is grade 10. He was unemployed at the time of his arrest.
- [6] In his evidence in mitigation Accused no. 1 testified that he only fired one shot on the day of the incident, at an individual named 'Tienie.' He said that he felt remorse about firing this shot, and that he felt sorry for what happened to the family and children, as it was not what he intended to happen. He said that he hopes the family can forgive him for what happened, as he was involved. He asked for their forgiveness.
- [7] Accused No. 1 never applied for bail. He has been in custody for five and a half years.
- [8] Under cross-examination Accused No. 1 denied that he was only expressing remorse because he had been caught and convicted. It was pointed out that the evidence showed that he had fired multiple shots and that even in mitigation he was intent on misleading the court.

Accused No. 2

- [9] Accused No. 2 is 30 years old. He is unmarried and is the father of two children, aged 10 and 6 years old. He testified that he last had contact with his children 'a long time ago'. He said that his sister visits them once a month and gives money to them each month.
- [10] He was also unemployed at the time of his arrest. His highest standard attained is grade 10.
- [11] Accused No. 2 never applied for bail. He has been in custody since his arrest in December 2019, for a period of five and a half years.
- [12] In his evidence in mitigation Accused no. 2 admitted to his involvement in the shooting on the day in question. He also claimed to have only fired one shot that day, at rival gangster Wesley 'Salibom' Kok.
- [13] Addressing the family of the deceased he said that he was sorry that they lost a child in the incident. He stated that he meant to shoot Salibom and never intended to shoot V[...].
- [14] When it was pointed out to him that the sister of Wesley Kok was in the gallery, he apologised to Mr. Kok's family too.
- [15] Accused No. 2 denied that he was only expressing remorse because he had been caught and convicted.

Relevant factors

- [16] It is trite that in determining an appropriate sentence the court must consider the purposes of punishment, namely deterrence, retribution, rehabilitation and prevention.

[17] During the sentencing process the court should never lose sight of the element of mercy. In *S v Rabie*[1] Holmes JA said the following regarding the concept of mercy:

- ‘(i) It is a balanced and humane state of thought.
- (ii) It tempers one’s approach to the factors to be considered in arriving at an appropriate sentence.
- (iii) It has nothing in common with maudlin sympathy for the accused.
- (iv) It recognises that fair punishment may sometimes have to be robust.
- (v) It eschews insensitive censoriousness in sentencing a fellow mortal and so avoids severity in anger.
- (vi) The measure of the scope of mercy depends upon the circumstances of each case.’

[18] In determining an appropriate sentence to impose, the court must consider all the circumstances of the case, and all mitigating and aggravating factors. The court must impose a sentence which takes into account the crime which has been committed, reflects the blameworthiness of the offender, and which has regard to the interests of society or ‘the protection society needs, or the order or peace it may need, or the deterrence of would-be criminals, but it does not mean that public opinion be satisfied.’[2] In considering these factors, the court should, always, strive to impose a proportionate sentence without over or under emphasising any of these circumstances at the expense of the other.

[19] Where the crime or crimes are particularly serious, such as in the present case, it appears to be accepted, as a matter of principle, that the sentence should act as a deterrent, however the blameworthiness of the offender in committing the offence is of relevance in determining an appropriate sentence.[3]

[20] Turning to rehabilitation as a purpose of punishment, our courts have generally taken the view that, given the current levels of violence and serious crimes in this country, in the case of serious crimes where long prison sentences are imposed, rehabilitation becomes a minor consideration. In *S v Mhlakaza*[4] Harms JA noted as follows:

‘Whether long-term imprisonment has any rehabilitative effect, has also been doubted.... the object of a lengthy sentence of imprisonment is the removal of a serious offender from society. Should he become rehabilitated in prison, he might qualify for a reduction in

sentence, but it remains an unenviable, if not impossible, burden upon a court to have to divine what effect a long sentence will have on the individual before it.’

The offences

The murder of V[...] G[...]

[21] Count two is the murder of V[...] G[...]. The accused were found to have committed the murder, and the nine counts of attempted murder, in furtherance of a common purpose, an offence which is included in Part 1 of Schedule 2 of the Criminal Law Amendment Act 105 of 1997 ('the Act'), which reads, in relevant part, as follows:

'PART I

Murder, when –

- (d) the offence was committed by a person, group of persons or syndicate acting in the execution of furtherance of a common purpose or conspiracy; ...'

[22] Section 51(1) of the Act provides that:

'...Notwithstanding any other law but subject to subsections (3) and (6), a High Court shall, if it has convicted a person of an offence referred to in Part I of Schedule 2, sentence the person to imprisonment for life.'

[23] The accused pleaded not guilty to this count and denied any involvement in the crimes during their evidence in the trial. In their evidence in mitigation, they did a volte face and admitted their involvement, but both claimed to have only fired one shot, in circumstances where the objective evidence showed that not less than six shots were fired. There is no evidence to suggest that

there were any other shooters involved.

[24] The accused are entitled to sit back and await to see whether the Sate discharges the burden of proving their guilt beyond a reasonable doubt. The accused in this matter, however, perjured themselves by deliberately giving false versions, with the clear intention of misleading the court.

[25] By their conduct they caused parents, who already have had to deal with the inconceivable anguish of losing their child in such violent circumstances, to wait five and a half years for the matter to come to trial, and then six weeks of trial. Mr. K[...] and

Ms. G[...] sat in court every day, having to relive that harrowing day.

[26] In terms of Section 51(3) of the Act, for the Court to depart from the prescribed minimum sentence of life imprisonment on count 2, there must exist substantial and compelling circumstances.

[27] It is clear from *S v Malgas*[5] (Malgas) that where the statutorily prescribed minimum sentences apply, courts retain a discretion and are free to depart from such sentences in appropriate circumstances, however the specified sentences are 'not to be departed from lightly or for flimsy reasons. As stated by the Appellate division in *Malgas*[6]:

‘Courts are required to approach the imposition of sentence conscious that the legislature has ordained life imprisonment (or the particular prescribed period of imprisonment) as the sentence that should ordinarily and in the absence of weighty justification be imposed for the listed crimes in the specified circumstances.

Unless there are, and can be seen to be, truly convincing reasons for a different response, the crimes in question are required to elicit a severe, standardised and consistent approach from the courts.’

- [28] Regarding incarceration before conviction, in *S v Radebe*[7] the Supreme Court of Appeal (the SCA) held that ‘the test is not whether on its own that period of detention constitutes a substantial and compelling circumstance, but whether the effective sentence proposed is proportionate to the crime committed: whether the sentence in all the circumstances, including the period spent in detention, prior to conviction and sentencing, is a just one.’
- [29] The SCA held earlier this year in *Ludidi and Others v The State*[8] that a prolonged period spent in custody awaiting trial when it comes to the prescribed minimum sentence of life imprisonment is not substantial and compelling unless the delay in finalising the matter could be placed at the hands of the State, which is not the case in this matter.
- [30] It is necessary to deal in some details with the circumstances in which these crimes were committed. The seriousness of these crimes is a significant factor in determining an appropriate sentence, and in balancing the accused’s personal circumstances, and other factors, such as remorse for his actions, in determining further whether any substantial or compelling circumstances are present justifying a deviation from the prescribed minimum sentences of life imprisonment.
- [31] The murder of young and innocent V[...] G[...] was senseless and brutal. The shooting executed by the accused, and the attempted murder of Wesley Kok and the other persons at 3[...] Drury Cort on that fateful day was premeditated.
- [32] As testified by the father of the deceased, Mr. K [...], the community of Lavender Hill lives in a ghetto. A closer glance at the crime scene photographs of the slain V[...] show that he was playing in a dusty courtyard, littered with detritus, with nothing more than a metal spoon. He was in what should have been the safety of his own home.
- [33] The evidence of the accused that they never intended to kill a child rings hollow. It was broad daylight in the middle of the afternoon. They deliberately and with ample opportunity to observe those present, shot into the yard where V[...] and his younger brother, S [...], were innocently playing.
- [34] The lives of V [...], his baby brother and the other people present in the yard that day meant nothing to either of the accused, as they sought to execute their ‘hit’ of rival gang members in cold blood. They lived in a poverty stricken and gang ridden township, and, by virtue of his circumstances, the deceased was deprived of the protection of high fences and alarm systems. He was vulnerable and innocent. His parents lost their beloved son, who would

have turned 11 years old on 22 June this year. A mother and father lost their beloved child to an act of random and unfathomable violence.

[35] A further aggravating factor is that the accused are gangsters who have devoted their lives to committing crimes.

[36] In *S v Jordaan & others*[9], Binns-Ward J observed at paragraph 4 that the gang culture in which some young men grow up may mean that one's 'moral

condemnation' of such men's crimes 'must be measured'. With reference to the two accused in his case, the

learned judge said:

'They are, each of them, persons against whom the odds have been stacked from the outset, which in a material sense is an indictment of our far from perfect society. Recognising these factors, however, does not afford proper reason for the adoption by the court of an attitude of maudlin sympathy for them in regard to the very serious offences in which they involved themselves. They knew that what they were doing was criminal and they must be held appropriately accountable for their wrongdoing. Society in general, and the law-abiding members of their own community, would be grievously let down if the court were not to mark their misdeeds with the gravity they deserve.'

[37] First, s 10(3) of POCA requires gang membership to be treated as an aggravating factor in crimes committed by gang members. There was no evidence placed before this court that the accused were vulnerable youngsters with no option but to succumb to peer and societal pressure to join gangs in their community.

[38] I bear in mind that it is not only the victims of these gang-related crimes, but also the perpetrators', whose dignity and humanity must be borne in mind.

[39] Having said that the conduct of the two accused and their demeanour as witnesses did not inure to their benefit. They did not appear to show true remorse for their conduct and right to the end they continued to mislead the court, and did not take full responsibility for their actions. I paid close attention to their demeanour not only during their evidence, but throughout the trial and when the evidence of other witnesses, including Mr. K[...] and Ms. G[...] was led. They displayed no emotion whatsoever and appeared, at times, to be thoroughly bored by the proceedings.

[40] Neither of the accused are first offenders, their children are neither financially nor emotionally dependent on them, they pleaded not guilty and deliberately misled the court. They have not shown true remorse, or even regret. I could never rule out the possibility of rehabilitation, however taking the court into their confidence and taking full responsibility for their actions is the first step towards rehabilitation. The accused have not yet taken that step. There is no suggestion whether they will ever do so.

- [41] I am mindful that not too much weight should be given to the demeanour of the accused, but it suffices to say that they were not in any way sympathetic figures. They are both fathers. Although by accounts they played little roles in the lives of their children. One would have expected at least some display of true remorse, but in these proceedings, this was evidently lacking.
- [42] In a different matter this may have been less striking, but this case involves the brutal murder of a beautiful five-year-old boy. The accused have not, to my mind, demonstrated true remorse. They have not acknowledged the impact of their crimes, not only on the family of the deceased, but the families of Wesley Kok and the people present at Drury Court on the day of the incident and the community of Lavender Hill.
- [43] Many of us in privileged circumstances cannot conceive of life in communities such as this – where gangsterism predominates and people fear for their lives and are afraid to walk in the streets. The people in these crime-ridden areas cry out for change, but it never seems to come. The duty on all three arms of government, and in particular the state, are onerous, but more needs to be done.
- [44] Cape Town has been described as the murder capital of the world. The Western Cape continues to record the highest number of murders in the country. According to the Quarterly Crime Statistics for the last quarter of 2024 released by Police Minister Senzo Mchunu, 263 cases of gang related murders were recorded between October and December alone.
- [45] Mr. Snyman introduced, as Exhibit ‘U’, a report by Commander Davids of the Steenberg precinct of the SAPS, dated 10 June 2025, reporting that the Steenberg policing precinct, located in the southern suburbs of Cape Town, is significantly affected by gang violence. This phenomenon has deep-rooted social, economic and criminal dimensions, impacting community safety, public services and long-term development.
- [46] During the period from January 2019 to 10 June 2025, in the Steenberg policing precinct alone, there were 307 murder cases and 319 victims, of which 288 were adults and 31 were children. The court is indebted to Sgt Mapukuta of the Western Cape Anti-Gang unit, who investigated this case with great diligence, and who not only located a potential witness for Accused No. 1 in the space of one day, but who also requested the report setting out the above statistics. This exemplary investigative work is commendable
- and is a crucial cog in the criminal justice system.
- [47] Our hard-won Constitution entrenches the fundamental rights to life (section 11) and to freedom and security of person (section 12). More needs to be done to protect the most vulnerable members of our society.

[48] In the victim impact statements of the parents of the deceased, they say that the actions of the accused on 21 December 2019 changed their lives forever. They saw their son, V[...], shot in the head, lying in a pool of his own blood. Mr K[...] said the following:

‘The actions of the accused on the 21st of December 2019 changed my life and that of my family. I had to see how my son got shot in the head. I had to see how he lay in a pool of his own blood. It was the most horrifying sight that I have ever witnessed, and it is burned into my memory. When I close my eyes, I see it. I have nightmares.

There is not a day that goes by that I do not think of V[...]. He would have turned 11 years old this month. He was a sweet boy who loved to play outside. I miss him so much.

I have to pick up the pieces with R[...] every day. Not a day goes by without her crying. Our life feels like it is on hold. I have lost everything. We are broken.

We live in fear because of the gangsters. I look over my shoulder every day because I fear they might do something to us as well.

I cannot imagine a worse thing that can happen to a person. The accused killed my son for no reason.’

[49] In her victim impact statement Ms. G[...], echoing many of the words of the father of her child, said the following:

‘The actions of the accused on the 21st of December 2019 changed our lives forever. I had to see how my son got shot in the head. I had to see how he laid in a pool of his own blood. His younger brother, S[...], also had to see this.

A mother should never experience her child being killed. He was only 5 years old.

There is not a day that goes by that I do not think of V[...]. He would have turned 11 years old on 22 June 2025.

He was a sweet boy and loved to play outside. I love him so much.

I cry every day. My remaining children had to go and live with family in another area because Lavender Hill is not safe. I only see them on weekends and school holidays.

P[...] lost his job as a result of this incident. He was the breadwinner. We live hand to mouth. The accused took everything from us that day. Our lives will never be the same.

S[...] was young when it happened. He is also suffering. He has a lot of issues at home and at school.

I cannot imagine a worse thing that can happen to a person. The accused killed my son for no reason. They show no remorse.’

[50] The accused did not take the court into their confidence and have not accepted responsibility for these crimes. Neither of the accused appear to be truly remorseful. Accused no. 2 posted on social media, from within prison, that he is a member of the Fast Guns. These are not the actions of perpetrators who are remorseful, indeed nor even regretful about their nefarious deeds.

[51] In *S v Matyityi*[10] the SCA pointed out that an ‘enlightened and just penal policy’ also needs to be victim-centred:

[52] As stated by Ponnann JA in *S v Matyityi supra*[11]:

‘There is, moreover, a chasm between regret and remorse. Many accused persons might well regret their conduct, but that does not without more translate to genuine remorse. Remorse is a gnawing pain of conscience for the plight of another. Thus, genuine contrition can only come from an appreciation and acknowledgment of the extent of one’s error. Whether the offender is sincerely remorseful, and not simply feeling sorry for himself or herself at having been caught, is a factual question. It is to the surrounding actions of the accused, rather than what he says in court, that one should rather look. In order for the remorse to be a valid consideration,

the penitence must be sincere and the accused must take the court fully into his or her confidence. Until and unless that happens, the genuineness of the contrition alleged to exist cannot be determined. After all, before a court can find that an accused person is genuinely remorseful, it needs to have a proper appreciation of, *inter alia*: what motivated the accused to commit the deed; what has since provoked his or her change of heart; and whether he or she does indeed have a true appreciation of the consequences of those actions.’

[53] When giving evidence in mitigation of sentence, the accused downplayed their role. in the crimes committed that day.

[54] Further aggravating factors are that the accused used unlicensed firearms and ammunition to perpetrate the crimes and that they were brazenly committed in the afternoon in built-up areas, where people were relaxing and socialising and children were playing

in the safety of their yard.

[55] Their previous convictions did not curb their criminal tendencies. They did not take the court into their confidence and have not fully accepted responsibility for these crimes.

[56] There is no doubt that, in the interests of society and in light of the seriousness of the offences, weighed against the other factors relevant to sentencing and dealt with in greater detail hereinbelow, a long term of imprisonment must be imposed.

- [57] National Child Protection Week commenced on 29 May 2025, and serves as a stark reminder that protecting children is our sacred and constitutionally enshrined duty. 245 children were murdered in South Africa last year alone. Another 2,291 were victims of violent attacks – that is 28 children harmed in our country every single day. This is a call to action. This situation cannot be permitted to continue.
- [58] To describe this as a scourge in our society is to grossly understate it. These statistics reveal a cataclysmic situation that cannot be permitted to continue. There surely cannot be more a serious, nor abhorrent, crime than the murder of a child.

Absence or presence of substantial and compelling circumstances

- [59] This court is not convinced that there are substantial and compelling circumstances to deviate from the prescribed sentence of life imprisonment in respect of count two, for which such a sentence is prescribed. This appeared to be conceded by counsel for both the accused, who cited the pre-sentence detention period as the only potentially substantial or compelling circumstance.
- [60] I align myself with the view expressed by Rogers J in *S v Solomon and Others*[12]
- ‘In my view, the reason why pre-sentencing detention on its own should not (at least ordinarily) be regarded as a substantial and compelling circumstance to depart from a prescribed life sentence lies in the implications of what Goosen J said in paras 38 and 39 of his judgment. A court must determine an appropriate sentence without regard to the parole exclusion period. The period actually imposed is what matters. Where an accused is arrested and kept in custody, pre-sentencing detention
- is concerned with the prejudice he suffers by virtue of the delay from the time he is arrested until the time he is sentenced. In the real world, there will always be a delay, no matter how efficient the criminal justice system is. Nevertheless, where the court is concerned with a determinate sentence, one can assess the accused’s prejudice by contrasting the actual position with a hypothetical scenario in which there was no delay between arrest and sentencing. In the hypothetical scenario, the accused would have started his sentence on the date he was arrested and would thus have been released sooner.
- Where, however, the prescribed minimum sentence is life imprisonment, the sentence means imprisonment for as long as the accused is alive. Leaving aside, as one must, the prospect of parole, the accused would not have been released sooner on the hypothesis of no interval between arrest and sentencing.
- However, and even if this is not the right way of viewing the problem, I do not think, all things considered, that the pre-sentencing detention
- in the present case is so gross as to warrant a departure from the mandated life sentence on count 35, bearing in mind the aggravating features.’

- [61] After considering the totality of the evidence in this case, including the personal circumstances of the accused, the circumstances relating to the commission of the offence and the interests of society, the only appropriate sentence that the court can impose is one of long-term imprisonment, which would have the effect to remove the accused from society. In fact, in cases like this, retribution and deterrence comes to the fore, whilst rehabilitation, will play a relatively smaller role.
- [62] After carefully balancing all the above factors, I am of the view that the remorse shown by the accused does not justify a departure from the prescribed minimum sentence of life imprisonment. There are no other substantial and compelling circumstances which would justify such a departure. Accused No. 1 and Accused No. 2 are accordingly sentenced to life imprisonment for count 2.
- [63] It goes without saying that the attempted murders of which the accused were convicted are also serious crimes. The mental anguish and trauma of the survivors of the shooting should not be understated
- [64] I am of the view that both accused, who acted in concert and with a common purpose, should serve a sentence of ten years in respect of each count of attempted murder. These sentences will automatically run concurrently with the life sentences.

The POCA charge

- [65] In my view an appropriate sentence for count 1, the contravention of section 9(2)(a) read with sections 1, 10 and 11 of the Prevention of Organised Crime Act 121 of 1998, is a period of 5 years' imprisonment.

The firearm and ammunition charges

- [66] For the unlawful possession of firearms and ammunition, I will impose five years' imprisonment for possession of firearms and three years' imprisonment for possession of the ammunition. The sentences will automatically run concurrently with the life sentences.

Sentence

- [67] I thus impose the following sentences on Accused 1 and Accused 2 respectively:

- (a) Accused No 1:
 - (i) On count 1, the accused is sentenced to 5 years imprisonment.
 - (ii) On count 2, the accused is sentenced to life imprisonment.
 - (iii) On count 3, the accused is sentenced to 10 years imprisonment.
 - (iv) On count 5, the accused is sentenced to 10 years imprisonment.
 - (v) On count 6, the accused is sentenced to 10 years imprisonment.

- (iv) On count 7, the accused is sentenced to 10 years imprisonment.
- (v) On count 8, the accused is sentenced to 10 years imprisonment.
- (vi) On count 9, the accused is sentenced to 10 years imprisonment.
- (vii) On count 11, the accused is sentenced to 10 years imprisonment.
- (viii) On count 12, the accused is sentenced to 10 years imprisonment.
- (ix) On count 13, the accused is sentenced to 10 years imprisonment.
- (x) On count 14, the accused is sentenced to 5 years imprisonment.
- (xi) On count 15, the accused is sentenced to 3 years imprisonment.
- (xii) In terms of section 39 of the Correctional Services Act 111 of 1998, all the sentences imposed above shall run concurrently with the sentence of life imprisonment imposed in respect of count 2.
- (xiii) In terms of s 103(1) of the Firearms Control Act 60 of 2000, No 1, No 2, No 9, No 10, No 11 and No 12 are declared unfit to possess a firearm.
- (a) Accused No 2:
 - (i) On count 1, the accused is sentenced to 5 years imprisonment.
 - (ii) On count 2, the accused is sentenced to life imprisonment.
 - (iii) On count 3, the accused is sentenced to 10 years imprisonment.
 - (iv) On count 6, the accused is sentenced to 10 years imprisonment.
 - (v) On count 8, the accused is sentenced to 10 years imprisonment.
 - (vi) On count 9, the accused is sentenced to 10 years imprisonment.
 - (vii) On count 11, the accused is sentenced to 10 years imprisonment.
 - (viii) On count 12, the accused is sentenced to 10 years imprisonment.
 - (ix) On count 13, the accused is sentenced to 10 years imprisonment.
 - (x) On count 14, the accused is sentenced to 5 years imprisonment.
 - (xi) On count 15, the accused is sentenced to 3 years imprisonment.
 - (xii) In terms of section 39 of the Correctional Services Act 111 of 1998, all the above sentences imposed with life imprisonment shall run concurrently with the sentence of life imprisonment imposed in respect of count 2.

(xiii) In terms of s 103(1) of the Firearms Control Act 60 of 2000, No 1, No 2, No 9, No 10, No 11 and No 12 are declared unfit to possess a firearm.

M Holderness

Judge of the High Court

Western Cape Division

Appearances:

For the State:

Adv L Snyman

For Accused 1:

Adv PW Nel

For Accused 2:

Adv CM Nel

[1] 1975

(4) SA 855 (A) at 862 D-F

[2] SS Terblanche, A Guide to Sentencing in South Africa, 3rd Ed, LexisNexis, p151

[3] Terblanche supra at p 165, para 8.2.2

[4] 1997

(1) SACR 515 (SCA) at 519 G-I

[5] (117/2000)

[2001] ZASCA 30; [2001] 3 All SA 220 (A) (19 March 2001).

[6] Ibid at para 25.

[7] 2013

(2) SACR 165 (SCA) at para 14.

[8] 2025

(1) SACR 225 (SCA)

[9] (CC20/2017) [2018] ZAWCHC 10.

[10] S v Matyityi (695/09)

[2010] ZASCA 127; 2011 (1) SACR 40 (SCA) at paras 16-17.

[11] at p 47, para 13

[12] (CC23/2018)

[2020] ZAWCHC 118; 2021 (1) SACR 533 (WCC) (12 October 2020) at paras 26 to 28, and the authorities there cited.

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