

REPUBLIC OF SOUTH AFRICA



IN THE SOUTH GAUTENG HIGH COURT  
(JOHANNESBURG)

CASE NO: JPV 2010/0046

In the matter between

**THE STATE**

and

**NOMSHADO JODI MDLULI**

**ACCUSED 1**

**SYDNEY MONYANE RAMOHALADI**

**ACCUSED 2**

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**S U M M A R Y**

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*Criminal law – trial - 12 charges including Arson, Murder and Attempted Murder - plea of not guilty by both accused - 11 witnesses testified for the state - issue to be decided identification of the accused by state witnesses - inferences to be drawn from proven facts.*

*Evidence - of identification - credibility and reliability of identification - factors affecting*

*Evidence - contradictions between witnesses - assessment of - factors accounting for to be taken into account - effect on credibility of witnesses.*

*Evidence of the accused - credibility - probabilities arising from accepted facts - whether defence version reasonable possibly true.*

*Criminal procedure - application by state in terms of section 235 of Criminal Procedure Act 51 of 1877 for the admission of record of evidence at bail proceedings into evidence - warning in terms of section 60(11B) of CPA - when to be given – warning given during evidence and not before evidence - consideration of fairness - application in respect of accused 1's evidence partly successful - limited portion of accused 1's evidence at bail hearing allowed – application dismissed in respect of accused 2's evidence at the bail hearing as no warning had been given.*

*Verdict: Accused 1: Guilty on all counts (as charged) – Accused 2 acquitted.*

*Sentence - approach to be adopted by court concerning imposition of minimum statutory prescribed sentences - period of detention awaiting trial -*

*one of factors to be taken into account - severity of crimes overshadowing personal circumstances of accused - life imprisonment imposed - immediate relatives of deceased informed in terms of section 299A of the Criminal Procedure Act 51 of 1977.*