



MURDERER: Thandi Maqubela goes down to the court cells.

Maqubela convicted of killing judge ‘because she’s a liar’

THANDI Maqubela was convicted of murdering her husband, acting Judge Ntobeko Patrick Maqubela, because she told a simple lie, the Western Cape High Court heard yesterday.

Arguing in her renewed application for bail pending her appeal against her conviction, Maqubela's defence counsel Thomas Tyler told the court that "all that tilted the scales of justice against her ultimately was the fact she

was found to be a liar".

He was referring to the trial court's findings that she had lied about her whereabouts when her husband was killed in June 2009 and that she had sent out SMS messages on his cellphone after he had died to create the impression he was still alive.

"That lie manifested itself in the witness statement, in SMS messages, in telephone manipulation. Everything she did and

said served the lie," Tyler said.

He argued that the lie should not have been used as circumstantial evidence against her.

Tyler said the fact the State could only prove his death was unnatural, and could not conclusively prove what killed the judge, should count in her favour.

Maqubela's defence team further argued that because her appeal of her murder conviction had a "reasonable prospect of

success", she was unlikely to abscond if granted bail.

Maqubela wants bail pending the outcome of her appeal of her murder conviction, which is to be heard in the Supreme Court of Appeal in Bloemfontein.

Her lawyers had also petitioned the court to grant them leave to appeal against the sentences imposed on her for fraud and forgery related to her altering her husband's will, despite

the high court having turned down her application for leave to appeal against these convictions.

Maqubela wants the court to set her free on bail pending the outcome of both the appeal and the petition to the appeal court.

Judge Maqubela's decomposing body was discovered in his luxury Bantry Bay, Cape Town flat two days after he was murdered in June 2009.

The hearing continues. – ANA

Dad recalls horrific crash

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AFTER months of delay, Simba Mhere's father finally took the stand yesterday as a witness to his son's death.

A presenter for *Top Billing*, Mhere, along with his friend Kady Shay O'Brien, died in late January, the victims of a horrific car crash. The driver of the car that caused the accident, 24-year-old Preshalin Naidoo, was charged with two counts of culpable homicide, but the case stalled in court postponements from July until now.

"I looked to my right where my son was seated. He was motionless. I looked back where his friend was seated. She was motionless," Mhere's father Joseph sombrely told the court.

He was the first witness called by prosecuting team Matthys De Jager and Dinesh Nandkissor.

Wearing a blue jacket and pausing each time he said the word "son", Joseph recounted how Naidoo lost control of his white VW Polo and slammed into the driver's side of Mhere's Mitsubishi Mirage hatchback.

"I don't remember how many times the car rolled," Joseph said, as he gestured with his arms to show the tumbling motion of the car. He recalled the paramedic

“My son and his friend were dead in the car”

who arrived and told him not to move because he had back pain. He said the paramedic then went to the driver's side of the car to check his son and O'Brien.

"He said to me that there was nothing he could do for them because they were gone," Joseph said. "Gone as in dead?" De Jager clarified.

"Yes, gone as in dead," Joseph said solemnly.

Velvy Laka, the driver of the third car involved in the accident, took the stand next. She told through an interpreter how, after it hit Mhere's car, Naidoo's vehicle had rolled onto the bonnet of her Mazda before settling on its side in front of her car.

She said that when Naidoo got out to apologise, she refused to forgive him and accused him of being drunk. Naidoo denied this accusation, she said, adding that her sons, who were in the back seat, also screamed at Naidoo because it happened to be the one-year anniversary of their having the car.

Though he admitted that the collision with his car caused the deaths of Mhere and O'Brien, Naidoo pleaded not guilty to the charges of culpable homicide.

The trial continues.

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Roadside service for victims

Families, churches pay tribute to taxi fatalities



PAYING RESPECT: Churches and family members of people who died in a taxi accident between Vereeniging and Randfontein on the R28 road pray yesterday on the scene where their loved ones perished.

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THEY knelt on the side of the road, praying ferociously, tears running down their faces.

As they prayed, they repeatedly lit matches to light the 19 candles standing upright at the edge of the road.

However, the strong billowing wind kept blowing them out.

This was the scene yesterday morning on the R28 towards Vereeniging where families of 19 people who died in a taxi crash two weeks ago gathered at the place where their loved ones died.

The taxi was carrying members of the Holy Spirit Culture Church who were on their way to a church service in Randfontein when a tyre burst and the driver lost control.

It crashed head-on into a truck

and ejected all the passengers. The taxi then rolled and burst into flames.

There were 24 people in the 16-seater vehicle and 19 died at the scene.

The chairperson of the Internal Local Taxi Association, Aaron Tshabalala, said what hurt them the most was that Bishop Rodger Mathebula, who together with his pregnant wife died in the crash, was a customer.

He said Mathebula arrived at the association's office asking for a taxi that morning to take him and his flock to a church service.

"He said he did not have money but needed a vehicle, saying there was no way he could miss that service and he would pay us later. He was then given a taxi with a driver."

He said no one really knows what happened.

Speaking at the event, presi-



HOMAGE: Distraught family members light candles.

dent of the South African National Taxi Council, Phillip Taaibosch, said after news of the accident was reported, he received an SMS from the Min-

“As the taxi industry we apologise”

ister of Transport Dipuo Peters.

In it Peters said: "It can't be that our people diminish at the hands of taxi drivers. Would it not be best if the driver is arrested and the owner held liable too?"

Taaibosch said he battled to answer that question because taxi owners do not send drivers out to kill people. He said some taxi drivers were greedy and wanted to make extra money which they then keep for themselves hence they sometimes overload the vehicles.

He said in cases where a taxi driver was found to have committed a crime during work hours, the taxi owners would fire them. However, another taxi owner would employ that person because the taxi associations did not have the power to kick a person out of the taxi industry.

Taaibosch said he did not have information as to how 24 people ended up in the taxi. He said drivers knew they were not allowed to overload taxis and commuters also knew they were not supposed to get into overloaded taxis.

Addressing the families of the bereaved, Taaibosch said: "What happened that day, we did not have any power to prevent it. We pray that these accidents don't happen anymore."

"As the taxi industry we want to ask for an apology on behalf of the taxi driver and we sympathise with you."

Trio convicted for brutal murder of police general

ZELDA VENTER

SPONTANEOUS applause broke out in the high court in Pretoria yesterday as three men were convicted of murdering a senior Gauteng police officer, Major-General Tirhani Maswanganyi.

Judge Bert Bam found that the statements the general's three killers made, in which they confessed to their part in his killing, were done voluntarily.

Isaac Vele, 31, Tshepo Mosai, 31, and Simon Msibi, 52, claimed they were tortured by the police into making the confessions. They said the police told them what to write in their lengthy statements after they had been severely assaulted.

The admissibility of the statements formed a large part of the trial, as a trial-within-a trial had to be held to determine whether the confessions were made under duress.

Several police officers involved in the murder investigation testified that the claims of torture were not true.

Judge Bam concluded that the men made the statements of their own free will. He said each statement was lengthy, consisting of several hundred pages. He said it was known that if the police take down statements, they mostly do so cryptically.

These confessions, the judge said, contained a lot of detail regarding the murder. Mosai's

statement consisted of 18 pages, which were written while he was alone in his cell. He wrote what came to his mind, the judge said. The other two men equally gave details, which a policeman taking down a statement would not necessarily do.

Judge Bam said the three men had a common purpose to kill Maswanganyi and that the murder was planned.

Maswanganyi, a Joburg police cluster commander, was killed in Hammanskraal, north of Pretoria, in June last year. The three forced his car off the road and ordered him at gunpoint to get into another vehicle.

They assaulted and strangled him before dumping his body in

the veld. His Isuzu bakkie was found next to the road, which led the police to search for his body. He was found dead with his hands and feet bound.

While no motive was given for his killing, the State believed it was unhappiness with how he conducted certain investigations.

His daughter, Didintle Maswanganyi, wearing a T-shirt with a picture of her father's face, said she was relieved it was nearly over, as this had been "a very long road". "It is unfortunate that my mother could not be here today."

Shareen Maswanganyi was killed earlier this year in a car accident on her way to the trial.

Sentencing is due to commence on Friday.



TRIBUTE TO DAD: Didintle Maswanganyi, daughter of the slain top cop.



Alleged family-killer in court

FANIE du Preez, accused of murdering his wife and teenage children, appeared composed in the dock as a packed courtroom looked on. During his brief appearance in the Vanderbijlpark Magistrate's Court yesterday, the alleged family-murderer looked directly at magistrate Buks du Plessis during the proceedings. He was able to secure a legal aid lawyer, and his request for the case to be postponed to allow him to prepare a bail application was granted. The 39-year-old, who faces charges of murder, illegal possession of firearms and defeating the ends of justice, will appear in court again on Tuesday. Du Preez allegedly shot dead his wife Thea, 43, and their two children, Carlia, 17, and Phillip in their home. It was reported that he initially told police that drug dealers had murdered his family, but he was arrested hours later. The State claims the murders were premeditated, and as the crime was a Schedule 6 offence, it would oppose bail. – Karishma Dipa

5 600 held for dagga

THERE were 4 107 people in jail for possession of dagga at the end of last month. Justice and Correctional Services Minister Michael Masutha listed the numbers in Parliament yesterday in reply to a question from the DA. Masutha said that from April 1 to November 30, 5 660 people were being held for possession of dagga. Of these, 4 107 were in jail on November 30. In 2014/15, there were 5 660 in jail for possession of dagga; in 2013/14 there were 5 876 held and 5 596 in 2013. There was no clarity on the overlapping cases. – Louise Flanagan

Head-on crash claims two

TWO PEOPLE were killed and two critically injured in a head-on collision on the N12 about 15km outside Potchefstroom yesterday morning. Netcare 911 spokesman Chris Botha said two people in a VW Polo died, while firemen had to use the jaws of life to extract the two occupants of the other vehicle. The injured were stabilised before being taken to hospital. Wreckage was strewn across the scene. Both a said police were investigating the cause of the accident. – ANA

R391m Limpopo bus deal

THE GREAT North Transport (GNT) bus company in Limpopo has signed a lucrative deal with Polokwane municipality as the council plans to accelerate the implementation of its bus rapid transit system. The parties signed a memorandum of understanding yesterday, focused on boosting local economic development. The R391 million project is expected to start operating in the 2016/17 financial year, although shares allocated to the GNT and local taxi associations have yet to be revealed. Executive mayor Thembi Nkandimeng said a market survey of the transport industry would be conducted to determine share values. A verification process of operating licences would also be conducted, she said. – ANA

Man on drunk driving rap

AN ACCUSED who tried to make a drunken driving charge against him "disappear" by buying the docket appeared in court yesterday in the drunk driving case. Antonio Manuel Rodrigues Alves, 53, of Edgemead in Cape Town, appeared in the Goodwood District Court before magistrate Sean Lea. He was supposed to have pleaded to the drunken driving charge, but in an unexpected development, defence attorney Andrew Joyce requested and was granted permission to withdraw on the grounds of a "breach of trust". Joyce did not say what the breach was, but told the court it would cause a conflict of interest, which prevented him from further acting as Alves's legal representative. – ANA

Murderer faces tough sentence

PROSECUTOR Susan Galloway has called for a lengthy sentence for convicted killer Kyle Maspero. Arguing in aggravation of sentence, Galloway told the Western Cape High Court yesterday that the only factor in the 20-year-old's favour was that he was 17 when he murdered his girlfriend's mother, Rosemary Theron, in March 2013. If it had not been for his age, she said, he would have faced a life sentence. Theron's daughter, Phoenix Raring Cloud Theron, is already serving an effective 15 years for her role in the murder. The pair hatched a plot to kill Theron after an argument. Maspero's lawyer said he "had taken it upon himself to improve himself" and no longer used drugs. He urged the court "to temper the sword of justice with mercy" and impose the shortest possible time behind bars. Judge John Hlophe dismissed his argument and said "that is not on the cards – it's a question of years, not months or days". Judge Hlophe would study the probation officer's report and impose sentence tomorrow. – ANA

Storm in KZN leaves two dead

A FREAK storm that raced through the north central areas of KwaZulu-Natal has left two people dead, several injured and scores without homes, authorities said yesterday. Lennox Mabaso, spokesman for the KwaZulu-Natal Co-operative Governance and Traditional Affairs Department, said an elderly woman was killed in the Tugela Ferry area while a nine-year-old died after being struck by lightning on Monday evening. The woman died under the roof of her house collapsed on her. Mabaso said details were sketchy, but the department had mobilised resources to help the affected communities. He said that in the Tugela Ferry area alone, there were at least 40 p people who sought medical attention following the 30-minute storm that ravaged the area. He said numerous people were left homeless. Robert McKenzie, spokesman for the Emergency Medical Service, said paramedics treated at least 30 people in the Tugela Ferry area. – ANA

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