

**CRIM. CASE NO. 61/98****IN THE MATTER BETWEEN****REX****VS****LINDIWE NELSIWE DLAMINI****CORAM  
FOR CROWN  
FOR DEFENCE****S.B. MAPHALALA – AJ  
MR M. NSIBANDZE  
MR MDLULI****SENTENCE  
(28/07/98)**

The court has taken all your personal circumstances into consideration in arriving at a proper sentence in your case. Your attorney Mr. Mdluli has outlined to the court a number of factors in mitigation in your favor. He has told the court that you have got one minor child who is three years old now, and that this child is in the care of your sister. The boyfriend or whoever is responsible in this case for the child abandoned the child. He implored the court to give a sentence that is going to be suspended so that you are given a chance in life, as you are twenty-six years of age and you still have a long life to live. He also urged the court to balance the interest of society as well as your interest. Lastly, that whatever sentence the court imposes the court should backdate that sentence to the date of your incarceration.

I have considered all these factors in mitigation, but I must say that the killing of another human being is always a serious matter. The society and the court will always view this kind of behavior in a very serious light. Here we are talking about a death of an old helpless man. Apparently he did not do anything but he was there drinking his beer, minding his business when you pounced on him and then you accused him of being a rapist. Even when you were accosted by the lady that is PW1 why don't you call the gentleman that is Ndwandwe to come and identify whether the deceased was the one that raped LaDlamini, but you proceeded to provoke the poor old man and then he naturally got angry as well and you produced a knife from his bag and he chased after you. Thereafter the stabbing took place. This is a very serious offence; you will always be regarded as a killer wherever you are in community at Murray Camp. They will always look at you as a woman who kills and this going to be with you for the rest of your life.

In the circumstances in balancing the interest of the society and your interest, I am going to sentence you to six years imprisonment however, I am going to suspend a large portion of this sentence. I am going to suspend a period of five years on condition that for the period of three years you are not convicted of an offence in which violence is an offence committed during the period of suspension. I hope that the suspended sentence is going to have an effect on you, that you will get out of such situation like fights because it seems you have got a habit of using knives, as it is shown by the previous conviction that you have. This is the sentence of this court.

**S.B. MAPHALALA**  
**ACTING JUDGE**