



**IN THE HIGH COURT OF SOUTH AFRICA
FREE STATE DIVISION, BLOEMFONTEIN**

Not reportable

Case no: 38/2019

In the matter between:

THE STATE

and

STANLEY KIBI BAKILI

ACCUSED

Neutral citation: *S v Bakili* (38/2019) [2025] ZAFSHC 303 (18 September 2025)

Coram: Molitsoane J

Heard: 8 and 9 September 2025

Delivered: 18 September 2025

Summary: Sentencing – principles restated.

ORDER

- 1 Murder: The accused is sentenced to life imprisonment.
- 2 Extortion: The accused is sentenced to (15) fifteen years imprisonment.
- 3 Count 6 – Contravention of section 4 of the Prevention of Organised Crime Act 121 of 1998 – Money laundering: The accused is sentenced to (15) fifteen years imprisonment.
- 4 Count 8 – Contravention of section 4 of the Firearms Control Act 60 of 2000 - possession of prohibited firearm: The accused is sentenced to (20) twenty years imprisonment.
- 5 Count 9 – Contravention of section 90 of the Firearms Control Act 60 of 2000 – possession of ammunition without a license or permit: The accused is sentenced to (5) five years imprisonment.
- 6 Count 10 – Defeating the administration of justice: The accused is sentenced to (5) five years imprisonment.

JUDGMENT

Molitsoane J

[1] The accused, Mr Stanley Bakili, was convicted of murder; extortion; contravention of s 4 of the Prevention of Organized Crime Act 21 of 1998 (money laundering); the unlawful possession of a prohibited firearm in contravention of the Firearms Control Act 60 of 2000 (Firearms Control Act); unlawful possession of ammunition in contravention of the Firearms Control Act; and defeating or obstructing the administration of justice. On the charge of murder, the State relied on the provisions of s 51(1) read with Part 1 of Schedule 2 of the Criminal Law Amendment Act 105 of 1997 (the CLAA) which prescribes a minimum sentence of life imprisonment in that the murder was committed by a group of persons acting in the execution of/or the furtherance of a common purpose and the murder was planned and/or premeditated.

[2] The accused testified in mitigation of sentence and also called a witness. The State did not lead any evidence but elected to address the court from the bar.

[3] The accused has previous convictions. In 1999, he was convicted of theft and sentenced to three months imprisonment which was suspended on certain conditions. In

2013, he was convicted of contravention of s 25 of the Police Act 7 of 1958 (Police Act) for falsely pretending to be a member of the police force. He was sentenced to a fine. On 6 November 2023, he was convicted on six counts of fraud. These six counts were taken together for the purposes of sentence and he was sentenced to eight years imprisonment which sentence was also suspended in whole on certain conditions.

[4] The accused testified that he is 44 years old. His wife filed for a divorce while he was in custody in respect of this matter. The divorce has since been finalised. According to his evidence, he has five children, aged 19, 17, 13, and two aged 10. Although the accused testified that he had five children, his brother, Mr Sello Bakili, who testified on behalf of the accused, stated that the accused had six children. The accused was arrested on 10 May 2018. He last saw his children before he was arrested. It can be accepted that for over seven years, his minor children had been in the primary care of either his family or their mothers as he testified.

[5] Apart from his children, his mother who is 64 or 65 years old and a pensioner was also depended on him before his arrest. He testified that before his arrest, he was self-employed, had companies and a soccer team. His average net income from his enterprises was R50 000 per month. While a soccer team owner, he assisted some children in his team with payment of their university fees. He also bought groceries for some community members.

[6] The accused testified that he was not healthy. Before he was arrested, he suffered from depression and post-traumatic stress disorder. He testified that these conditions worsened after his arrest. He further testified that after his arrest and detention, he developed what he called 'type 2 hypertension'. He also developed a skin disease, an illness, according to him, he never had before his arrest. He asked the court to take into account the time he spent in custody while awaiting finalisation of this case.

[7] He was subjected to cross-examination. It was put to him that he had no one but himself for the delay in finalising the case. It was also put to him that he was not remorseful for the deeds he committed. The State also put to him that more than 90% of over R5m that he took from the deceased was spent on gambling.

[8] His younger brother, Mr Sello Bakili, also testified in mitigation of sentence. The

essence of his testimony is that the incarceration of the accused left him in dire straits. He had to leave school as he no longer had anyone to pay for his school fees. He asked for leniency for the accused.

[9] Mr Dlamini, for the accused, implored the court to take into account that the accused had spent seven years and three months in custody awaiting finalisation of the trial. He also asked the court to take into account that the accused now had health issues.

[10] It is trite law that when the court imposes a sentence the court has to consider the personal circumstances of the accused, the seriousness of the offence and the interests of society in general.¹ In the consideration of these factors, the court must guard against emphasising one factor over the others.

[11] The Supreme Court of Appeal (SCA), in *Mudau v S*,² said the following:

'I hasten to add that it is trite that each case must be decided on its own merits. It is also self-evident that sentence must always be individualized, for punishment must always fit the crime, the criminal and the circumstances of the case. It is equally important to remind ourselves that sentencing should always be considered and passed dispassionately, objectively and upon a careful consideration of all relevant factors. Public sentiment cannot be ignored, but it can never be permitted to displace the careful judgment and fine balancing that are involved in arriving at an appropriate sentence. Courts must therefore always strive to arrive at a sentence which is just and fair to both the victim and the perpetrator, has regard to the nature of the crime and takes account of the interests of society. Sentencing involves a very high degree of responsibility which should be carried out with equanimity. . .'

[12] Where the prescribed minimum sentencing regime is applicable (like in this case) on the charge of murder, the court is obliged to impose the minimum sentence ordained, unless the court finds substantial and compelling circumstances which justify a departure therefrom.³ In *S v Malgas*,⁴ the Court summarised what the Legislature intended when it introduced the prescribed minimum sentencing regime and stated the following:

'What stands out quite clearly is that the courts are a good deal freer to depart from the

¹ *S v Zinn* 1969 (2) SA 37 (A); [1969] 3 All SA 57 (A).

² *Mudau v S* [2013] ZASCA 56; 2013 (2) SACR 292 (SCA) para 13.

³ Section 51(3) of the Criminal Law Amendment Act 105 of 1997.

⁴ *S v Malgas* [2001] ZASCA 30; [2001] 3 All SA 220 (A); 2001 (2) SA 1222 (SCA); 2001 (1) SACR 469 (SCA) para 25.

prescribed sentences than has been supposed in some of the previously decided cases and that it is they who are to judge whether or not the circumstances of any particular case are such as to justify a departure. However, in doing so, they are to respect, and not merely pay lip service to, the Legislature's view that the prescribed periods of imprisonment are to be taken to be ordinarily appropriate when crimes of the specified kind are committed.'

[13] In imposing an appropriate sentence, the court has to balance your personal circumstances, the interest of society as well as the gravity of the offences you committed. You were the breadwinner and you took care of your children and your elderly mother. You also assisted children who needed financing with their university fees. You owned a soccer team which I believe also assisted young children in developing skills and which might prepare them for careers in football. The participation of these children in soccer might also assist them by keeping them out of streets and out of being potential drug users.

[14] You have implored the court to take into account that you spent over seven years in prison pending finalisation of this case. It is indeed so that the period spent in custody should be a factor to be considered in the imposition of sentence. Such a period can, in my view, not be considered in isolation. In *Radebe and Another v S*,⁵ the court stated:

'A better approach in my view is that the period in detention pre-sentencing is but one of the factors that should be taken into account in determining whether the effective period of imprisonment to be imposed is justified. . . .'

It is necessary to mention that most of the time this case had to be postponed at your request. At every turn, you elected to change legal representation. More than once, you terminated the mandate of those who represented you citing conflict of interest. This ultimately necessitated that seven legal representatives appeared for you in these proceedings. It was a long trial where about 42 people had testified, some over days. The employment of a new counsel in a partly heard matter always necessitates such counsel to seek the record and study same before he can represent an accused person. At some stages, Legal Aid South Africa refused to grant you legal representation because of the termination of the mandate of legal practitioners. Such representation was only granted after the internal appeal process of Legal Aid. That also contributed to the delay. As if that was all, on the first day of the sentencing

⁵ *Radebe and Another v S* [2013] ZASCA 31; 2013 (2) SACR 165 (SCA) para 14.

procedure, this case had again to be postponed to the following day, at your request because the witness you wanted to call was unavailable as he came from Limpopo. The date was arranged in June 2025 and the matter set to proceed in September. I would have expected that you would have made timeous arrangements for your witnesses.

[15] On the second day of the sentencing procedure, you informed the court that you were not well and requested a further postponement of the proceedings. When the court asked that you be referred to the district surgeon or medical station at prison where you are in custody, to check on your complaint, you suddenly informed court that your family had brought you grandpa and if you could be allowed to have same, you were certain you could be fine to proceed. This was puzzling. You were taken for medical examination and a clean bill of health was given and the matter proceeded. I only mention this to illustrate how obstructive you had been in having this matter finalised. Had the court granted the postponement you sought; it was likely that this matter would have been postponed to the first term in 2026. A delay of not less than four months.

[16] I take note that you were not entirely to blame for the postponement as, on about three occasions, the case had to be postponed due to Covid-19. In the end, one has to ask oneself as to whether an accused who is in custody and who does all in his power to frustrate the finalisation of a trial, ought to benefit for deviation from the prescribed minimum sentence to be imposed. It is in my view unnecessary to even consider this as I intend to take into account the fact that you spent time in custody while awaiting trial together with the reasons why the matter could not be finalized earlier. You also asked this court to take into account that you are sick and your illnesses were exacerbated by the incarceration. That you also developed a skin ailment while in custody.

[17] The aggravating facts of this case is that you were convicted of serious offences. The killing of the deceased was planned over a period of time. You met Mr Mbebetho in a tavern. You then contracted him to be the hitman in this case. You promised him R100 000 to kill the deceased. According to Mr Mbebetho, you did not even pay him this money. Contract killings have always been seen as an abomination

in our law. In *S v Nduwane and Others*,⁶ the court said the following:

'Our society rightly regards murder, when committed for a fee or to secure some financial or economic gain, as a particularly horrifying manifestation of the crime. These so-called contract killings conjure in the mind of ordinary citizens the image of a callous predator who treats human life with utter disdain. It is for this reason that a court, faced with such a crime, will generally be inclined to show little mercy in meting out appropriate punishment. In deciding on what is an appropriate punishment however, it will consider carefully the motive for such a killing.'

The SCA, in *The Director of Public Prosecutions: Gauteng Division, Pretoria v Portia Thulisile Tsotetsi*,⁷ recently said the following with reference to contract killings:

'Contract killing has always been regarded as a severely aggravating circumstance and an abomination. In *S v Ferreira and Others* Marais JA, albeit in a dissenting judgment, describes a 'premeditated and deliberate desire to kill' as 'the most offensive known to the law', and describes a contract killing for reward as one which 'in the eyes of most reasonable people' constitutes 'an abomination which is corrosive of the very foundations of justice and its administration'. It is therefore imperative for the courts to consistently send out a clear message that such crimes shall be severely punished.'

[18] The murder of the deceased was planned. The logistics of the murder were also planned by you. You provided the murder weapon and the vehicle to be used in the killing. You even went to the extent of giving Mr Mbebetho a crash course on shooting. You went further to show the killers the place of abode of the deceased. When it became apparent that the killing could not happen during the first attempt, you lured the deceased to a fake meeting in a restaurant only to set the trap for his killing. You remained in the vicinity after the killing and the evidence reveal that the late accused number 2, Mr Mogwera, was around the scene to remove any footage that could implicate the perpetrators. The killing was callous, brazen and merciless. The accused was killed in a movie-like scene, except that this time, it was in real life. This type of conduct deserves harsh punishment.

[19] The motive for killing the deceased was pure greed. You milked and extorted the deceased in order to finance your gambling habit. Almost all the money you received from the deceased was gambled at the local casino. When the deceased started to

⁶ *S v Nduwane and Others* [2015] ZAECPHC 22 para 12.

⁷ *The Director of Public Prosecutions: Gauteng Division, Pretoria v Portia Thulisile Tsotetsi* [2017] ZASCA 083 2017 (2) SACR 253 para 28.

see through the real person you were ie, a manipulator and conman, he started to refuse to give you money. You resorted to extortion. You managed to receive over R5 million from him. When it became apparent that he might refer you to the authorities, you arranged for his killing. This illustrates wickedness on your part.

[20] This is not the first brush you have with the law. I accept that the conviction of theft and contravention of s 25 of the Police Act may be seen as old. While I cannot take them into account in sentencing, what these convictions illustrate is that you are a dishonest person. All the crimes for which you have been convicted of have dishonesty as an element permeating through them. As recently as two years ago, you were again convicted of six counts of fraud. Misrepresentation is an important element of the crime of fraud. In this case, you also made the deceased to believe that you could help him with the hospital licence. You used names of people to carry out your nefarious scheme which led to the family of the deceased losing a husband and father. Much as we can talk about this incident, that family, can never bring the deceased back to life. This element of dishonesty on your part in the fraud cases, will play a significant role in the assessment of the appropriate sentence for the offences of extortion and defeating the ends of justice.

[21] You lack remorse for the deeds you committed. You chose not to testify in order to give your side of the story. When you eventually decided to give testimony during mitigation, you elected not to take the court into your confidence. Much of what you said centred around the plea that this court should take into account that you have been in custody for over seven years. I am inclined to agree with Mr De Nysschen for the State that the seven years you spent in custody was largely as a result of your own making.

[22] Having regard to the mitigating circumstances and weighing them against the aggravating circumstances, I find that there are no substantial and compelling circumstances warranting this court to deviate from imposing the minimum sentence ordained by the CLLA.

Order

[23] I accordingly sentence the accused as follows:

1 Murder: The accused is sentenced to life imprisonment.

2 Extortion: The accused is sentenced to (15) fifteen years imprisonment

3 Count 6 – Contravention of section 4 of the Prevention of Organised Crime Act, 121 of 1998 – Money laundering: The accused is sentenced to (15) fifteen years imprisonment.

4 Count 8 – Contravention of section 4 of the Firearms Control Act 60 of 2000 – possession of prohibited firearm: The accused is sentenced to (20) twenty years imprisonment.

5 Count 9 – Contravention of section 90 of the Firearms Control Act 60 of 2000 – possession of ammunition without a license or permit: The accused is sentenced to (5) five years imprisonment.

6 Count 10 – Defeating the administration of justice: The accused is sentenced to (5) five years imprisonment.



P E MOLITSOANE

JUDGE OF THE HIGH COURT

Appearances

For the State: JM de Nysschen

Instructed by: Director of Public Prosecutions, Bloemfontein

For the accused: F Dlamini

Instructed by: Legal Aid South Africa, Bloemfontein.