



**IN THE HIGH COURT OF SOUTH AFRICA  
(EASTERN CAPE DIVISION, GQEBERHA)**

**NOT REPORTABLE**

Case no: 10/2025

In the matter between:

**THE STATE**

and

**STEPHANUS SAMSON**

**Accused**

---

**JUDGMENT**

---

**Govindjee J**

[1] On the evening of 2 September 2023, Renaldo Blaauw, Shalton Bruintjies and three others shared bottles of alcohol while they decided that they would break into the home of the accused. Their purpose was seemingly to obtain items that could be sold to purchase more alcohol. Joubertina is an area rife with crime and the home was situated in a secluded area in Louterwater. Believing that it was unoccupied, the home was an easy target for a burglary. Unbeknownst to them, the accused (Mr Samson) and an associate (Mouers) were inside the house keeping watch, the

accused armed with a licenced firearm. Having been the victim of numerous break-ins, and having not obtained assistance from the police, Mr Samson had decided to apprehend any thieves himself. In the hours that followed, Bruintjies, aged 20, would be killed by a bullet fired by Mr Samson and his body dumped. Blaauw, his hands and feet bound with cable tie, would be driven away from Mr Samson's home by Mr Samson and Mouers. He would eventually be left in a wild, bushy area of the Kouga district, alongside a gravel road more than 15 kilometres away from the R62, Mr Samson and Mouers driving away after three shots were fired from Mr Samson's firearm in Blaauw's proximity. Mouers passed away from natural causes prior to trial and Blaauw testified as a witness in terms of s 204 of the Criminal Procedure Act, 1977<sup>1</sup> (the Act). Mr Samson pleaded not guilty to charges of murder, kidnapping, attempted murder and two counts of defeating the ends of justice. The case turns mainly on the assessment of the conflicting testimony of Blaauw and Mr Samson. Details of their evidence follows.

### **The state's case**

[2] Both Blaauw and the deceased were under the influence of alcohol while *en route* to Mr Samson's home. Blaauw carried a long fixed-blade knife with a black handle, approximately 25 centimetres in length and a panga, a metre in length with a 30-centimetre blade. The deceased was armed with a 15-centimetre-long ring-Okapi knife. The others waited outside and seemingly played no further part in the events of that evening. Blaauw and the deceased obtained entry into a braai area at the rear of the home sometime after 23h00. Setting the panga aside, Blaauw used the torch of his mobile phone to light his path and carried his knife in the other hand. The deceased followed him carrying the Okapi, the blade folded away. As Blaauw passed through the kitchen and entered a corridor on the right, he observed the accused walking towards him carrying a firearm in his right hand, his left hand criss-crossed over the right, holding his mobile phone as a torch. The accused pointed the firearm at Blaauw and warned him that he would be shot if he did not stand still. Blaauw turned and ran back into the kitchen and stood by a cupboard, his back against the wall. The deceased retreated from the kitchen to the braai area, exiting

---

<sup>1</sup> Act 51 of 1977.

the kitchen door that had been used for entry. The accused approached, flashed his phone light towards Blaauw and instructed him to lie flat. Blaauw stepped forward, dropped his knife to the floor and lay down on his stomach, his head down and his phone face-down. He observed Mouers behind the accused. Both were standing in front of him towards the middle of the kitchen. His hands were cable tied behind his back while he lay on the ground. Mr Samson asked Mouers where the other person was and moved towards the kitchen door, removing his firearm from the vicinity of his right hip. Blaauw, his head turned to the left, heard the deceased running across the braai area from left to right. Mr Samson was a step away from Blaauw's head still holding his phone. He turned around and fired a shot which struck the deceased on the right side of the body. Mr Samson was standing two paces away from Blaauw when the shot was fired, and three paces from the deceased, who collapsed approximately four paces away from Blaauw, at the threshold between the braai area and kitchen. His hands and feet were cable tied by Mr Samson and Mouers while he uttered words to the effect that he was dying.

[3] Blaauw was taken and loaded on the backseat of a vehicle by Mr Samson and Mouers while the deceased lay motionless on the floor on his stomach. The pair then dragged the deceased's body and placed it in the boot of the vehicle before driving away. Blaauw estimated that it was now after midnight. As they drove past Braam's Toyota in the direction of Joubertina, Mr Samson responded to a question from Blaauw and indicated that he was being taken to the police station. Mr Samson dropped Blaauw and Mouers next to the road while he fuelled his vehicle, collected them and, instead of proceeding to the police station, headed in the Ravinia direction. When Blaauw enquired, he was told to shut his mouth and that he was going to die today. Mr Samson turned off the R62 in the direction of Opkoms and into the mountains, past the Kouga River. It was still dark when the vehicle was stopped. Mr Samson and Mouers took Blaauw out of the vehicle before throwing the deceased's body out of the vehicle and dragging the body by the legs towards an empty ditch in the veld. When they returned, Mr Samson was wiping his firearm with toilet paper. He placed it back into his right hip and instructed Mouers to place Blaauw back in the vehicle. Blaauw was driven further away. When the vehicle was stopped, Blaauw resisted when Mr Samson attempted to take him out of the vehicle. Mr Samson, dangling his firearm in front of Blaauw, informed him that he must alight

and that he would not be killed. When he did so, Mr Samson and Mouers drove away for a short distance before reversing. Blaauw, his hands still tied behind his back, jumped towards the canal and threw himself down on some branches. Mr Samson and Mouers alighted. Mr Samson took his firearm out of his hip and with his phone used to light the area where Blaauw lay, fired three shots in his direction, from approximately ten metres. Mr Samson and Mouers then walked towards where he lay, cut loose his hands and feet and dragged him towards a hole. Blaauw realised that he would never be found considering the area they were in and pretended to be dead. He felt that branches were being placed on him. He realised that Mr Samson and Mouers were searching for cartridges when he heard Mr Samson say that he had only found one, before advising Mouers that they ought to leave the area.

[4] Blaauw had been wearing two pairs of pants at the time of the incident. One pair had been removed at the time that Mr Samson and Mouers dragged him towards the hole. It was daybreak when he shook off the branches used to cover him and walked in search of the deceased's body, approximately 45 minutes away. He eventually exited the bush area that afternoon before returning to his home at approximately 20h00. His father insisted that he inform the deceased's mother as to what had occurred. He did so the following morning and the police were called, resulting in Mr Samson's arrest. According to Blaauw, Mr Samson was shocked to see him later that day at the police station. Blaauw's attempts to show the police where the deceased's body had been dumped were unsuccessful.

## **Mr Samson**

[5] Mr Samson oversaw the farmhouse at the time of the incident. He had been the victim of crime in the past, including copper theft and theft of produce, but the police had not responded to the vandalism and theft he had experienced. The farm was dysfunctional, unsecured and without electricity at the time of the incident. As a result, Mr Samson had requested persons resident on the land to be on the lookout for potential criminals. On occasion, the farmhouse was unoccupied overnight.

[6] During 2017, Mr Samson obtained a licensed firearm and competency certificate and possessed two firearms, including a 9mm pistol purchased for self-

defence. By the time of the incident, he had taken to arming himself and keeping watch over the farmhouse himself, to catch and apprehend criminals given the police's inaction. On the night in question, Mouers had offered to accompany him during his vigil. They decided to take turns to sit in a bedroom at the front of the house, keeping watch over the home for the evening. Mr Samson parked his vehicle out of sight and loaded his firearm, the safety on. Mouers was given the cable ties, so that anyone caught could be tied and taken to the police, and a wooden stick as a weapon.

Mr Samson showed him around the house, specifically pointing out the likely entry point for a burglar, via a poorly secured corrugated sheet leading into the braai area from the outside.

[7] Mr Samson left Mouers to keep watch over the front yard at approximately midnight. He slept on a mattress placed on the floor in a room situated off the corridor leading to the kitchen area and the braai area at the rear of the home, his phone and firearm by his side. He was woken by Mouers, who shook him and whispered that three people were coming. He picked up his phone and placed it in his pocket, noting that it was just before 02h00. Mouers observed him searching for his firearm and handed it to him. Mr Samson deactivated the firearm's safety and positioned himself in front of Mouers, close to the bedroom doorway, holding the firearm in both hands, pointed downwards. Both heard the intruders in the vicinity of the braai area. Mr Samson noted the squeaky sound of the kitchen door being opened and observed a movement of light from the vicinity of the kitchen, observing that the light became stronger as it came towards the corridor. He was careful not to approach the intruders, being uncertain as to their identity or number.

[8] The sound of feet on wooden floors would have aided Mr Samson to estimate the appropriate time to make a move. He did so rapidly, stepping into the corridor, turning towards the kitchen, his firearm raised in front of him. Observing Blaauw, the knife and phone in his hands, he ordered him to stand still, or be shot. Blaauw complied only for a second or two, before bolting back towards the kitchen. Mr Samson followed him as quickly as possible, sensing Blaauw along the wall to his left as he proceeded around a kitchen table to cut off the exit route and to keep some space between himself and Blaauw, who was now cornered. Mouers approached

Blaauw, who was standing against the kitchen wall with his arms raised, to obtain the knife and phone. When Blaauw did not comply, Mouers advised Mr Samson, who said '*Boeta, ek gaan jou skiet as jy nie saamwerk nie.*' ('Brother, I am going to shoot you if you do not cooperate.') Blaauw then gave up possession of his knife and phone to Mouers, remarking that there was somebody else on the property. Mr Samson ordered him to lie on the floor, which he did, his head turned to his left. Mouers proceeded to bind him with the cable tie while Mr Samson moved to stand with the table to his left, slightly in front of the kitchen door, which was behind him on his right side at close distance. His focus was to ensure that Blaauw was neutralised and he had relaxed the position of his firearm. Having fastened his hands, Mouers turned and sat astride Blaauw's feet, facing the general direction of the kitchen door. Mr Samson observed the manner Mouers tied Blaauw's feet and instructed him to redo this so that Blaauw would be able to walk to the vehicle himself. Mouers used Blaauw's knife to do so and held Blaauw's phone, the torch on and providing the only light to the scene. Suddenly, Mouers shouted out a warning in a loud and panicked tone. Shocked, Mr Samson turned around, pointed his firearm and observed the deceased creeping towards him on the right side of the kitchen doorway, holding the panga pointing upwards with his arm raised. Mr Samson, believing that he would be injured if he did not defend himself, and, given the proximity, leaned back towards the table and fired a shot in the direction of the deceased's body. As he did so, he observed the deceased attempt to protect himself by turning to his right.

[9] The deceased retreated towards the kitchen door before sinking to his knees and laying on his stomach, groaning. Mr Samson instructed Mouers to finish tying Blaauw so that he could tie the deceased. While he was doing so, Mouers informed Mr Samson that the deceased had passed away, which shook him. He told Mouers to lift Blaauw onto his feet so that he could be taken to the police station. He walked with Blaauw towards the vehicle from the back exit and Mouers followed through the front once he had locked the house.

[10] Mr Samson's vehicle required a push start from Mouers, who then opened the backdoor for Blaauw to seat himself, his feet still tied. When Mr Samson heard a rattle, Mouers informed him that he had placed the weapons he had retrieved from the scene on the floor of the front passenger seat. His firearm was placed in the

centre consol. Approximately 200 metres down the road, Blaauw informed him that he would be jailed for murder, suggesting that the three dispose of the deceased's body in the Kouga. Mr Samson, who feared imprisonment for a variety of reasons, mainly sodomy, sought advice from Mouers, who confirmed what Blaauw had said. He turned the vehicle around and returned to the house. When Mouers climbed out of the vehicle, Blaauw requested to be untied so that he could assist with the body. Mouers untied only his hands. The two fetched the body and placed it in the boot while Mr Samson remained in the vehicle, secured his firearm and replaced it in the centre consol. He assumed that they had carried or dragged the body, seemingly without witnessing this.

[11] Blaauw and Mouers alighted, at Mouers' suggestion, prior to Mr Samson fuelling the vehicle. He collected them and proceeded until Mouers indicated he should stop on a gravel road. Mr Samson felt confused and unhappy as to what had occurred. He complained to Blaauw that people of his ilk stole from those who worked hard, only to purchase alcohol and drugs. Mouers and Blaauw took the body down a slope while he answered the call of nature, carrying toilet paper and his firearm with him. When he returned, he observed that Blaauw's hands had been tied in front of him but did not ask why Mouers had done so. The three drove towards Kraaltjie until Mouers said that Blaauw should be made to walk home, given that what had occurred was his fault. Mr Samson agreed and pulled over. When Blaauw's door was opened, he initially refused to leave the vehicle, gripping the headrest in front of him with his tied hands and pleading not to be shot. He only did so once Mr Samson dangled his firearm by its barrel and said that he was not a murderer and could have killed Blaauw earlier had he wanted to do so. Mouers closed the rear door, returned to the passenger seat and locked the vehicle from the inside as Mr Samson drove off. Approximately ten metres away, he pitied Blaauw and asked Mouers if he had a knife to cut the cable tie around his feet. Mouers climbed out while Mr Samson was focused on viewing Blaauw in his side mirror, and on his handbrake, which was troublesome. Unbeknown to him, Mouers had taken his firearm from the centre consol and proceeded to fire three shots. Mr Samson was shocked to hear this and felt for his firearm before rushing out of the vehicle to confront Mouers. Mouers indicated that he had simply scared Blaauw by firing shots

in the air and that Blaauw had jumped down from the hill where he had been standing.

[12] Mr Samson proceeded to Blaauw to ascertain if he had been hit, Mouers behind him with the phone light. Without speaking to him, Mr Samson felt Blaauw's heart, which was beating fast, and checked his nose to confirm that he was breathing. He asked Mouers to confirm that Blaauw was alive, which he did. Both also felt for blood around Blaauw's head and could not see or feel anything. As Blaauw was laying in an area containing stones, Mr Samson and Mouers pulled him from under the arms to a more even area. Mr Samson informed Mouers that Blaauw was merely unconscious and instructed him to untie his hands and feet with the knife in his possession, while he returned to the vehicle out of concern for its battery life. Mr Samson gave no thought to what Blaauw was likely to do once he regained consciousness. To Mr Samson's surprise, given that he was only expected to untie Blaauw, Mouers took approximately ten minutes to return. Mr Samson did not query the matter but received confirmation that Blaauw had indeed been untied.

[13] There was daylight when Mr Samson and Mouers proceed to the house to resume their vigil. Now the firearm was squeezed between Mr Samson's legs for safety, on the basis that Mouers could no longer be trusted. When Mr Samson suggested that the matter be reported to the police, Mouers dissuaded him with reference to the dangers of St Albans Prison. Later that morning, Mr Samson and Mouers drove to the home of his ex-wife and Mouers walked across the road to his mother's house. The two spent the day apart before meeting to return to the house to resume their watch that evening. Mr Samson thought about the weapons that had been on the passenger floor of the vehicle and was advised that Mouers had taken this to his homestead. He continued to keep the firearm away from Mouers given what had occurred. Again, Mr Samson suggested a visit to the police station and again was dissuaded by Mouers.

[14] Mr Samson explained that Mouers had suggested, after approximately an hour, that the deceased's body be moved, on the basis that Blaauw knew its location. When they returned to the spot, Mr Samson insisted that Mouers fetch the body himself as he refused to touch a body. He sat in the vehicle while Mouers



collected the body himself and struggled to place it in the boot. The two then drove until approximately midnight. Mouers indicated a good place to stop and proceeded to remove the body from the boot and dispose of it by himself in the bush. Mr Samson failed to observe what was occurring. Mouers again took long to return. On this occasion he was asked what caused the delay and explained that he had removed the deceased's clothing and placed it in the boot, so that Mr Samson could view the place where the bullet had entered the body. According to Mr Samson, this was because he had asked Mouers earlier that morning where the deceased had been shot, as he had not viewed the body himself. When Mouers explained that the deceased had been shot through the arm and that the bullet travelled into the body, Mr Samson explained that he was concerned because Moeurs was unemployed, a user of drugs and known to lie, even according to his own mother. He refused to observe the naked body, which he heard from Mouers was stiff, and insisted that Mouers remove the clothing from the boot and dispose of it before they proceeded to his home to resume their vigil.

[15] Despite Mouers' protestations, Mr Samson decided to report the matter on the third day after the incident, which he understood to be a legal requirement. He intended to explain the situation to a policeman in Joubertina but was accosted by Constable Koense, who informed him about the case and that Blaauw was seated in his van. Mr Samson proceeded to the police station in his own vehicle and was later arrested and detained. He testified that he had made a mistake in the way he had attempted to cover the death of the deceased. Moving the body had been the result of the knowledge that Blaauw was alive and knew its location.

## **Analysis**

### *Count 1: Murder*

[16] The shot fired by Mr Samson travelled through the deceased's upper left arm, lacerating and perforating the lungs and heart and exiting the right side of his upper chest. Dr Mattheüs, who compiled the post-mortem report, testified that the four entry and exit wounds could be lined up based on the likely position of the left arm, so that the bullet's trajectory from left to right, clean through the body, was apparent.

Dr Mattheüs was able to comment on a variety of possible scenarios pertaining to the wounds inflicted. She confirmed that human reaction times in an emergency may have resulted in the deceased having turned his body away the moment Mr Samson had decided to fire the weapon, so that the deceased was in a defensive position, turning away from the firearm, when the bullet entered his body. Beyond commenting that there was a very slight upward trajectory to the shot fired, which struck the deceased more to the front part of his body, Dr Mattheüs was unable to elucidate the likely position of Mr Samson or the deceased when the shot was fired, and no ballistic evidence was available.

[17] A detailed assessment regarding the credibility of Blaauw's testimony follows when considering the remaining counts. For present purposes, Blaauw clearly erred in maintaining that he had heard the deceased running from left to right in the braai area, as viewed from his position on the floor in the kitchen. Such an occurrence would have resulted in the reverse bullet trajectory to that described by Dr Mattheüs, a possibility which may be safely excluded. His testimony regarding the actual shooting therefore conflicts with the established facts. In the crucial few seconds when the deceased moved to enter the kitchen, Blaauw's opportunity to observe was severely compromised by his position on the floor, the lack of light, the new surroundings he found himself in and the attentions of Mours, who was binding his feet while he lay flat on his stomach, his head faced down or turned to the left. For all these reasons, coupled with the cogency of his evidence in comparison to that of Mr Samson on these events, his bias having been present when Mr Samson killed the deceased, and the probabilities on the point, his evidence in this respect was unreliable. This part of Blaauw's testimony must, therefore, be rejected. On the probabilities, laying on the floor face down, his hands tied behind his back while his feet were tied in a dim lit space, having just been apprehended at gun point and his focus likely directed to the manner in which he was being tied, he only heard movement from the braai area, rather than see the precise movements of the deceased. For all these reasons, he also could not have observed Mr Samson clearly, including the position of the gun and his exact position at the time the shot was fired.

[18] The area was quiet and it was late at night. The deceased was effectively trapped in the braai area and must have heard Mr Samson shouting that he would shoot Blaauw if he made a move. As such, he must have appreciated that Mr Samson was armed. Given the situation, he must also have realised that he was on the cusp of being caught, whether he heard Mr Samson, Mouers or Blaauw refer to another intruder. As Mr *Van der Spuy* argued, on both Mr Samson's version and that of Blaauw, the deceased chose to move, whether quickly or by stalking towards the kitchen door. That he ultimately proceeded in that direction is also apparent when considering both versions carefully, including the position indicated by Blaauw as depicting where the deceased lay after he was shot, at the entrance to the kitchen, rather than in the braai area itself. Blaauw testified that the panga had been left against a fridge which stood in the braai area close to the kitchen door. The deceased also carried his Okapi knife. Considering the evidence of Dr Mattheüs, the probabilities favour Mr Samson's version that he was standing slightly in front of the kitchen door, observing the way Mouers bound Blaauw.

[19] There are some discrepancies in Mr Samson's version of events. In particular, it is improbable that Mouers had handed Mr Samson's firearm to him seconds after he shook him awake to inform him that he had observed three intruders, with the firearm having been placed by Mr Samson alongside his phone in anticipation of the possibility of a break-in. I further accept Blaauw's evidence that he had been cornered and that when he had dropped to the floor, he had done so by taking a step forward, without turning around, so that his head was towards the kitchen door, his feet against the wall, Mr Samson and Mouers in front of him towards the middle of the kitchen. Mouers, having bound his hands and turned to bind his feet while straddling him, must have faced the wall, so that he would have not been able to utter any warning to Mr Samson. His attention would have been on tying Blaauw correctly. Mr Samson's description that Blaauw had turned to the wall before sinking to the floor was a belated attempt to tailor the evidence to accord with his version that Mouers had warned him prior to the shooting and must be rejected.

[20] The probabilities favour Mr Samson's version that the kitchen door was closed but unlocked when the intruders entered and that he held his firearm with both hands at all material times, so that the only available light emanated from Blaauw's phone.

Blaauw was mistaken in recalling that Mr Samson had used his phone as a torch at this point, criss-crossing his hands while gripping the firearm, also failing to recall the presence of a kitchen table. He admitted not having paid much attention to the room's furnishings when he entered, his focus being on the passage to the bedrooms, and the space was dimly lit. The table did not appear in any of the pictures accepted into evidence but its position, as described by Mr Samson, at the time of the incident, explains the positions adopted by Mr Samson while Blaauw was being tied by Mouers, and accords with Blaauw's testimony of Mr Samson having stood in front of his head while he lay on the floor facing the general direction of the kitchen door. It may be added that the photographic evidence makes it clear that Mouers would not have been visible in his position, close to the corner of the room, to a person entering the kitchen from the braai area. Bearing in mind that Blaauw was in the corner of the room before laying down, Mr Samson, standing near his head, would have been close to the kitchen door. As to Mr Samson's decision to stand alongside or slightly in front of the open kitchen door, a position vulnerable to attack, it must be emphasised that he was armed and had used his voice to command the scene, both in the passage and in the kitchen, and that he was supported by Mouers, who was also armed.

[21] Despite those considerations, and notwithstanding that Mouers, on the accepted facts, had not uttered a warning, it is probable that Mr Samson was startled when he observed the deceased. The deceased was likely under the influence of alcohol and armed with both his knife and the panga. Although there was some dispute as to its exact length, according to both Blaauw and Mr Samson it had a 30-centimetre blade. He was about to enter the kitchen from a blind spot towards Mr Samson's right, very near where he was positioned. On the version argued by the state, too, this was the direction in which the deceased was moving. Mr Samson's description of the actual shooting, including the way the deceased would likely have turned away when faced with the firearm pointed at him, accords with the accepted medical evidence and, largely, with Blaauw's testimony regarding the position of both Mr Samson and the deceased after the shot was fired.

[22] The state's argument that the subsequent events tainted Mr Samson's conduct in the home must be rejected on the facts. In doing so, it is significant that

Mr Samson, on both versions, had shown restraint when he came across an intruder armed with a long-bladed knife in the corridor leading to the bedrooms of the home. Even when Blaauw scuttled to the kitchen, disobeying an instruction to remain still, his response was measured and focused on ensuring that Mouers secured Blaauw with the cable ties. As Mr *van der Spuy* argued, it must be accepted that his intention, at that stage at least, was purely to apprehend the intruder and report the matter to the police.

[23] A person acts in private defence, and his act is therefore lawful, if he uses force to repel an unlawful attack which has commenced, or is imminently threatening, upon his life, bodily integrity, property or other interest which deserves to be protected, provided the defensive act is necessary to protect the interest threatened, is directed against the attacker, and is reasonably proportionate to the attack.<sup>2</sup> In assessing the evidence it is salutary to note the caution administered by Innes JA:<sup>3</sup>

‘Men faced in moments of crisis with a choice of alternatives are not to be judged as if they had both time and opportunity to weigh the pros and cons. Allowance must be made for the circumstance of their position.’

[24] The facts at hand support the conclusion that Mr Samson acted in self-defence when he leaned back towards the table and shot the deceased. Taking all the factors into consideration, particularly Mr Samson’s position in relation to the kitchen door and the nature of a stressful, fast-moving scene, where armed intruders had gained access to his home, he acted lawfully and defended himself reasonably by firing a single shot towards the body of the deceased from that position.<sup>4</sup> In that moment and in those circumstances, the slim build of the deceased counted for little. The state has failed to prove Mr Samson’s guilt on this count beyond reasonable doubt and there is a reasonable possibility that the substance of his version in this respect may be true. This conclusion is supported by the absence of any apparent reason why Mr Samson, bearing in mind his measured treatment of Blaauw up to

---

<sup>2</sup> *S v Steyn* 2010 (1) SACR 411 (SCA) para 16; CR Snyman *Criminal Law* (7<sup>th</sup> Ed) (2020) at 85.

<sup>3</sup> *Union Government (Minister of Railways & Harbours) v Buur* 1914 AD 273 at 286.

<sup>4</sup> *S v Steyn* above n 2 paras 18, 19, 24.

this point, would have decided to shoot the deceased at close quarters without motive.<sup>5</sup> The consequence is that Mr Samson stands to be acquitted of the charge of murder.

*Counts 2–5: Kidnapping, attempted murder and defeating the ends of justice*

[25] An accused person may be convicted of any offence on the single evidence of any competent witness.<sup>6</sup> In *S v Sauls*, it was held that there is no rule-of-thumb test or formula to apply when it comes to the consideration of the credibility of a single witness. The trial court should weigh the evidence of the single witness and should consider its merits and demerits and, having done so, should decide whether it is satisfied that the truth has been told despite shortcomings, defects or contradictions in the evidence.<sup>7</sup> The prevalence of contradictions has been found to be fatal in some cases, whereas this did not prevent conviction in others.<sup>8</sup> While conviction does not demand that Blaauw's evidence, as a single witness, be flawless or beyond criticism, courts have been guided by the principle that the evidence must be clear and satisfactory in every material respect, and that the exercise of caution must not be allowed to displace the exercise of common sense.<sup>9</sup> In *S v Webber* it was held that the evidence of a single witness should be approached with caution and that such evidence should not necessarily be rejected merely because the single witness happens to have an interest in the case or bias towards the accused. The extent of the bias must be assessed and its effect on the evidence as a whole evaluated.<sup>10</sup>

[26] Blaauw is 21 years old and resides in his parental home. His highest level of education is grade nine and he has never been employed. He conceded that he was somewhat drunk at the time of the incident. The amount of alcohol consumed by Blaauw, the deceased and their three companions has been described, and that they walked approximately 45 minutes before arriving at Mr Samson's home that night. Blaauw is a single witness to the case against Mr Samson and admitted to being a

---

<sup>5</sup> See *S v Shackell* 2001 (2) SACR (SCA) 194g–i.

<sup>6</sup> S 208 of the Criminal Procedure Act, 1977.

<sup>7</sup> *S v Sauls* 1981 (3) SA 172 (A) at 180.

<sup>8</sup> PJ Schwikkard and TB Mosaka *et al Principles of Evidence* (5<sup>th</sup> Ed) (2023) at 621.

<sup>9</sup> *ICM v The State* [2022] ZASCA 108. See *Sauls* above n 7 at 179G–180G.

<sup>10</sup> *S v Webber* 1971 (3) SA 754 (A).

co-perpetrator in breaking into the home on the night of the incident. His evidence must, for all these reasons, be treated with caution. In addition, and as became apparent during his testimony, he was not only in cahoots with the deceased that evening but also maintained some resentment towards Mr Samson for not taking him to the police station and for shooting the deceased.

[27] Blaauw's testimony ran for three days and covered key events which occurred over the course of a few hours. Given the detailed nature of his testimony, as well as his ability to recall and repeat what he had observed, albeit with some notable flaws, it must be accepted that he was able to appreciate and remember the events in question notwithstanding his alcohol consumption.

[28] Other than the discrepancies already described, Blaauw made various errors of the kind that might be expected given the passage of time and the rapidity of the events inside the house. He appeared confused by the photographs depicting the point and likely manner of entry into Mr Samson's home via the braai area and struggled to recognise the corridor that led away from the kitchen, where he had first seen

Mr Samson that evening. Bearing in mind that he likely only just entered the corridor when he saw Mr Samson and fled and considering that the available photographs of the corridor largely exclude the kitchen, the last-mentioned error is perfectly understandable. Blaauw conceded he erred in the former respect. He observed red burglar bars in a photograph in the vicinity of the braai area and assumed that this was the point of entry. In fact, a different photograph revealed similar red bars adjacent to that spot and immediately alongside the point of entry, which is common cause. It was clearly these burglar bars that had been used to descend into the braai area and Blaauw's error was an honest mistake, and one that he again readily conceded he had made. Blaauw and the deceased entered the premises at night with the only light source emanating from Blaauw's mobile phone.

[29] It is also necessary to examine Mr *van der Spuy's* criticism in respect of four specific aspects of Blaauw's testimony. The first related to the metal sheet over the entrance to the rear of the home. Blaauw appeared to suggest that the entire panel was open but later clarified that a portion of the panel, large enough to fit a human

being, was missing. His reference during examination-in-chief was interpreted as a 'plate open at the back of the house'. The weakness in the perimeter was seemingly addressed by time the pictures were taken before trial, so that Blaauw testified that 'the hole has been closed, the plate was open.' Similar language was used by Blaauw during cross-examination. When the court sought clarification, Blaauw explained that a portion of the metal sheet had been missing, large enough for a human body to fit through, rather than the entire sheet having been removed. Rather than a blatant lie in respect of such a peripheral matter, the lack of clarity was likely caused by Blaauw's choice of language, as interpreted. In respect of the dangling of the firearm, the second issue highlighted, considering the evidence it appears that the issue simply did not come to the fore during examination-in-chief. During cross-examination, when counsel demonstrated the version of Mr Samson by using his hand, Blaauw conceded that point immediately, while maintaining his version that Mr Samson had left the front seat and that he had wrestled before exiting the vehicle. The other two points relate to the second or two before the deceased was shot and have been addressed above.

[30] Such shortcomings detract little from Blaauw's performance as a witness, testifying for over three days about events which occurred almost two years previously. He testified with candour and his demeanour was that of an unsophisticated person testifying honestly and to the best of his ability in recalling what he had observed. He expressed emotion when confronted with Mr Samson's version, which he believed to be untrue. In many respects his evidence was aligned with the version put to him on behalf of Mr Samson and he guilelessly agreed with propositions put to him by counsel, without any appearance of manipulating his testimony to implicate Mr Samson despite any resentment towards him. He maintained his version throughout and testified cogently and in a credible fashion. As will be illustrated with reference to a selection of issues, his evidence of events after the deceased was shot, when the happenings occurred at a naturally slower pace, compared favourably to that of Mr Samson and accord overwhelmingly with the probabilities. Emphasis will be placed on the decision to move and dump the deceased's body, the impact of the deceased's passing on Mr Samson, the nature of his relationship with Mouers and his credibility as a witness, including his aversion to touching a body.



[31] On Blaauw's version, while tied he was taken to the backseat of the vehicle immediately before Mr Samson and Mouers collected the deceased's body and placed it in the boot of the vehicle. Mr Samson testified that he was *en route* to the police station and only turned back to collect the body at Blaauw's suggestion, seemingly without any input from Mouers other than to confirm the consequences of imprisonment, and with no further deliberation. This version is unlikely in the extreme. Blaauw had broken into the home some minutes earlier and was apprehended while carrying a long knife. He had disobeyed Mr Samson's initial instruction despite being at gunpoint, and did not give up his weapon until he was threatened again by Mr Samson. A burglar, hands and feet bound, and in a desperate position inside the vehicle with the two persons who had apprehended him, Blaauw was in no position to influence what occurred next.

[32] Had the three hatched a plan to keep the incident quiet, Blaauw would have been untied hand and foot. Instead, on Mr Samson's version, having made the suggestion, which was accepted, he only requested his hands to be untied, content to shuffle along with Mouers to collect a dead body and return, in that manner, to the vehicle while Mr Samson remained seated. On the probabilities, Mr Samson and Mouers decided to collect the body and did so themselves as Blaauw testified, leaving him tied with his hands behind his back in the rear of the vehicle, unable to escape. This assessment is supported when considering the unsophisticated demeanour of Blaauw and the court's assessment of Mr Samson's savvy. For this reason, Mr Samson's suggestion that he had been tricked into following Blaauw's lead in deciding to dispose of the body is far-fetched. It is also unsupported by the events that followed.

[33] The extent to which Mr Samson was mentally affected once he was informed that the deceased had passed away is gainsaid by his subsequent conduct. Even on his own version, his initial response was to order Mouers to bind the deceased, who was laying groaning on the floor. Mouers was then instructed to lift Blaauw to his feet so that they could proceed to the police station. He had the presence of mind to enquire about the sound made by the weapons in the passenger floor of the vehicle and worked with his firearm while sitting in the vehicle. It is highly improbable that he

remained seated in the vehicle and left Mouers and Blaauw alone at that stage, particularly given that Blaauw's hands were untied on his version. It is accepted that he did so near the filling station, but based on his own decision, given the possibility that Blaauw would seek assistance.

[34] Mr Samson's relationship with Mouers, as he described it, was also fraught with contradiction. It must be accepted that he was the senior figure in the relationship, a man with his own home, transportation and firearm and someone who had no reason to encounter the law. Mouers, aged 33, resided with his mother, was unemployed and understood by Mr Samson to be a drug user and liar. The summary of evidence reflects various occasions when Mouers received and accepted orders from

Mr Samson, even to the extent of collecting the deceased's body by himself, because of Mr Samson's aversion, so that it could be moved. He made no complaint when

Mr Samson told him to untie Blaauw, both before and after he spontaneously grabbed the firearm and fired the shots, on Mr Samson's version. His compliance with instructions from Mr Samson, who also supervised his tying of Blaauw, accords with the likely relationship between the two. Yet when it was convenient to do so, Mr Samson blamed Mouers for his plight and created the impression that the roles were reversed because of Mouers' experiences with imprisonment. In fact, the information that Mr Samson purportedly gleaned from Mouers was largely insignificant, being common knowledge, and inadequate to cause him to act as he did. Given the nature of the relationship between the two, as evinced by their conduct before and after the incident, there is no probable explanation for why Mouers would have taken Mr Samson's firearm, particularly without his permission, before firing shots in the air to scare Blaauw. Mr Samson's suggestion that he placed the firearm between his legs when driving with Mouers after that incident, because of a lack of trust, is also contradicted by his evidence that the two spent the next two nights again keeping watch together over the farm.

[35] Mr Samson's lack of credibility in respect of events after the deceased's body was moved is well-illustrated by his belated, implausible description of the reason for Mouers having stripped the body himself, including his slip when referring to the

body himself as having been stiff, and his insistence that there had been no blood whatsoever in his home despite the deceased's body having lay there for some minutes after being shot dead. Why Mouers would have tied Blaauw's hands in front of him after having assisted to dispose of the body must have been an important matter for Mr Samson, particularly if his expectation was that Blaauw would remain mum about the shooting. That he would observe this without enquiring about the matter whatsoever is highly unlikely. His responses when confronted with some of these issues lacked candour and he readily adapted his evidence to suit his narrative.

[36] There are smaller evidentiary details which confirm this assessment. For example, Blaauw's supposed about turn before laying down in the home emerged during the court's questioning. On a few occasions his version also differed from that which had carefully been placed before court on his behalf, notably in respect of the size of the panga and his testimony that he had been told that Blaauw was with the police before he saw him at the police station. He also struggled to concede that his conduct had been responsible for the deceased's body and Blaauw being left where they were in the bush. Given the earlier interaction about the weapons at his feet, it was wholly unnecessary for Mr Samson to enquire whether Mouers had a knife to untie Blaauw. During cross-examination, he also referred to Blaauw's hands having been tied behind his back at this point, contradicting his earlier evidence that his hands had been tied in front after the deceased's body was discarded. On his version, he had driven to his ex-wife's home with Mouers mid-morning after the incident. His failure to observe how Mouers would have walked from the vehicle to his mother's home with various weapons in his possession was left unexplained.

[37] Finally, Mr Samson's deep aversion to touching a corpse was referred to as support for his version that Blaauw and Mouers, and later Mouers himself, had been the only persons to touch the body. Yet after the shots were fired in the vicinity of Blaauw, and clearly uncertain whether or not he was dead, on his own version he rushed to ascertain if Blaauw had been struck or killed, feeling his heart, checking his nose for breath and even feeling for blood around his head. He also took time to engage with Mouers to confirm his assessment and had no qualms about assisting Mouers to move Blaauw to a different spot.

[38] If Mr Samson really appreciated that Blaauw was alive, but unconscious, it is unfathomable why he would bother to provide this small comfort yet leave him alone, without food or water, hours of walking away from home. Such treatment would enhance the likelihood of the entire incident being reported by Blaauw once he regained consciousness and managed to obtain assistance. Instead, it is Blaauw's version of events that must be accepted in this regard as credible, reliable and consistent with the probabilities, despite the application of the necessary caution in respect of his testimony. Blaauw had spent some hours in the presence of both Mr Samson and Mouers and, close to daybreak on a moonlit night, clearly identified Mr Samson as having fired the three shots in his direction, before working with Mouers to hide his body in the belief that he was dead, before searching for the cartridges. The photographs of the scene reveal dense growth, including bushes, trees and weeds, and a marked difference in height between where Blaauw had fallen and where Mouers and Mr Samson stood above him. Although the distance between them was only some ten metres, given the limited light available and terrain, the probabilities favour Blaauw's version of events as to what occurred, including that Mr Samson held a phone as a light while shooting at him and that he and Mouers dragged him towards a hole, his pants coming off in the process, and placed branches over his body so that it would be better hidden from anyone glancing in that direction from the gravel road above.

[39] It is trite that the correct approach:

'is to weigh up all the elements which point towards the guilt of the accused against all those which are indicative of his innocence, taking proper account of inherent strengths and weaknesses, probabilities and improbabilities on both sides and, having done so, to decide whether the balance weighs so heavily in favour of the state as to exclude any reasonable doubt about the accused's guilt'.<sup>11</sup>

---

<sup>11</sup> *S v Chabalala* 2003 (1) SACR 134 (SCA) para 15.

Assessing the evidence accordingly, and for the various reasons described, it follows that the state has discharged the onus of proof in establishing Mr Samson's guilt, in respect of counts 2, 3, 4 and 5, as charged. The court is satisfied that it is not reasonably possible that he is innocent of these charges. In respect of the charge of kidnapping, however, the court specifies that the conviction pertains specifically to the manner Blaauw was driven to the Onder Kouga Gravel Road, rather than to the manner he was loaded into Mr Samson's vehicle.

## **Order**

[40] I make the following order:

1. The accused, Mr Stephanus Samson, is found not guilty of count 1 (murder) and is found guilty of counts 2 (kidnapping), 3 (attempted murder), 4 and 5 (defeating the ends of justice).
2. The enquiry in terms of s 204(2) of the Criminal Procedure Act, 1977 (Act 51 of 1977) is postponed, to be dealt with as part of the sentencing proceedings.

---

**A GOVINDJEE**  
**JUDGE OF THE HIGH COURT**

**Heard:** 2–19 June 2025

**Delivered:** 20 June 2025

Appearances:

For the State:

Adv Canary  
Deputy Director of Public Prosecutions  
Wooltrust Building, North End  
Gqeberha  
Tel: 012 842 1534

For the Accused:

Adv Van der Spuy

Legal Aid

Gqeberha

Tel: 041 408 2800