

The Senior Public Prosecutor
Thembisa Magistrates Court

11 March 2025

E-MAIL: [REDACTED]

Dear Sir,

STATE VERSUS SHAUNE MOGAILA

RABIE RIDGE CAS 402/10/2024: CULPABLE HOMICIDE

**REPRESENTATIONS IN TERMS OF S105A OF THE CRIMINAL PROCEDURE ACT 51 OF
1977**

1. Advocates Gerrie Nel and Phyllis Vorster have been briefed by Keo Mavimbela, mother of the deceased child, Gomolemo, and Carol Khethiwa, mother of Thando, and act on their behalf.
2. This case concerns a collision that occurred on 30 October 2024, on Andrew Mapheto Road in Tembisa, when the accused's vehicle collided head-on with our client's (Keo Mavimbela) vehicle, which was travelling in the opposite direction, severely injuring our client, killing her 9-year-old daughter, and injuring 14-year-old Thando.
3. Our clients continue to bear the physical, mental, emotional and financial scars of this incident.
4. Our office attended proceedings on 10 March 2026 where the attorney for the accused placed it on record that they would submit a proposed plea and sentence agreement in terms of s105A of the Criminal Procedure Act to the court's Senior Public Prosecutor.

June 2024

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Member Affairs – Email: ledesake@afriforum.co.za • **Directors:** Ms A. Bailey, Mr P.J.W. Buys, Dr H.K. Coetzee, Mr P.L. Dekker, Mr F.J.D. de Klerk, Mr G.R. de Vries,
Dr D.J. Hermann, Mr W.G. Human, Mr C.M. Kriel and Dr R. Pretorius. • **Company Secretary:** Mr W.A. Vogel.
Registration number: 2005/042861/08 • **NGO number:** 054 - 590

5. We address this correspondence to your office to indicate our clients' eagerness to exercise their rights in terms of the Act to make representations regarding the contents of the proposed agreement. We must further state that we welcome the prospect of a guilty plea by the accused as it will bring justice for the victims and their families.
6. While the case was postponed to 30 March 2026, the defence legal representative indicated that the s105A statement will be submitted to the SPP within a week.
7. We trust your office is aware of the facts of this case, we must however stress the life-changing and profound impact this horrendous crime has had on our clients.
 - 7.1. Not only did Ms. Mavimbela lose her daughter, but she has suffered permanent injuries and that significantly affected her quality of life. This is in addition to the ongoing emotional trauma she is experiencing. Ms Mavimbela has not been able to attend court because she fears that coming face-to-face with the man who killed her child will be too much for her to bear.
 - 7.2. Ms. Khethiwa's son suffered injuries that required steel pins in both legs for which he is still being treated for. We are instructed that at a recent consultation, the doctor expressed concern for the impact these injuries will have on him for the rest of his life.
8. The evidence against the accused is overwhelming, and includes video footage of the collision. To make matters worse, the accused fled the scene of the crash and only handed himself over to the police that night. These circumstances may have strongly influenced his decision to propose a plea and sentence agreement.

9. In light of the above, we kindly ask your office to provide us with a copy of the accused's submission under s105A as soon as it is received, so that our client can consider it, consult with our office, and prepare an appropriate representation.
10. We also expect that the video evidence of the collision, as captured on a dashcam, will be admitted as evidence and played in court, allowing the court to fully appreciate the seriousness of the offence in order to impose a just sentence on the accused.
11. We eagerly await your response.

Yours faithfully,



ADV. GERRIE C NEL
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