

IN THE HIGH COURT OF SOUTH AFRICA
[WESTERN CAPE DIVISION, CAPE TOWN]

THE STATE

versus

1. **RALPH ISRAEL STANFIELD**

A 45-year-old adult South African male, residing at [REDACTED], [REDACTED], [REDACTED]

2. **NICOLE TRACEY JOHNSON**

A 37-year-old adult South African female, residing at [REDACTED], [REDACTED], [REDACTED]

3. **JOHANNES ABRAHAMS**

A 45-year-old adult South African male, residing at [REDACTED], [REDACTED], [REDACTED], [REDACTED]

4. **DENVER BOOYSEN**

A 38-year-old adult South African male, residing at [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]

5. **JOSE BRANDT**

A 29-year-old adult South African male, residing at [REDACTED], [REDACTED], [REDACTED], [REDACTED]

6. **JONATHAN CLOETE**

A 46-year-old adult South African male, residing at [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]

7. **ABRAHAM WILSON (DECEASED)**

A 46-year-old adult South African male, residing at [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]

8. SHAKEEL PELSTON

A 28-year-old adult South African male, residing at [REDACTED], [REDACTED], [REDACTED], [REDACTED]

9. IMTYAAS SEDICK

A 37-year-old adult South African male, residing at [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]

10. WARREN LEE DENNIS

A 40-year-old adult South African male, residing at [REDACTED], [REDACTED], [REDACTED]

11. MICHAEL MORRIS

A 38-year-old adult South African male, residing at [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]

12. CHEVONNE MCNABB

A 38-year-old adult South African male, residing at [REDACTED], [REDACTED], [REDACTED], [REDACTED]

13. SHARAZAADT ESSOP

A 35-year-old South African male, residing at [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]

14. BRANDON CORNELIUS

A 34-year-old South African male, residing at [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]

15. KEATHAN GARDINER

A 38-year-old South African male, residing at [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]

(hereinafter referred to as "the accused")

INDICTMENT

GENERAL PREAMBLE

OFFENCES RELATING TO CRIMINAL GANG ACTIVITIES

WHEREAS the Prevention of Organised Crime Act, Act No. 121 of 1998 (hereafter referred to as "POCA") defines in Chapter 4 thereof various criminal offences relating to Criminal Gang Activities,

AND WHEREAS POCA provides in section 9(1)(b) that any person who "*actively participates in or is a member of a criminal gang and who threatens to commit, bring about or perform any act of violence or any criminal activity by a criminal gang or with the assistance of a criminal gang*" is guilty of a criminal offence,

AND WHEREAS POCA provides in section 9(2)(a) that any person who "*performs any act which is aimed at causing, bringing about, promoting or contributing towards a pattern of criminal gang activity*" is guilty of a criminal offence,

AND WHEREAS POCA provides in section 9(2)(b) that any person who "*incites, instigates, commands, aids, advises, encourages or procures any other person to commit, bring about, perform or participate in a pattern of criminal gang activity*" is guilty of a criminal offence,

AND WHEREAS section 1 of POCA defines a 'Criminal Gang' as including "*any formal or informal ongoing organisation, association or group of three or more persons, which has as one of its activities the commission of one or more criminal offences, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activities*",

AND WHEREAS section 1 of POCA defines a 'Pattern of Criminal Gang Activity' as including "*the commission of two or more criminal offences referred to in Schedule 1, provided that at least one of those offences occurred after the date of commencement of Chapter 4 and the last of those offences occurred within three years after a prior offence and the offences were committed-*

- (a) *on separate occasions; or*
- (b) *on the same occasion, by two or more persons who are members of, or belong to, the same criminal gang”,*

AND WHEREAS a Court, in considering whether a person is a member of a criminal gang for purposes of Chapter 4 of POCA, may have regard to the factors listed in Section 11 of POCA.

NOW THEREFORE the State alleges:

(1) THE EXISTENCE OF A “CRIMINAL GANG”

THAT a “Criminal Gang”, as defined in Section 1 of POCA and as intended in Section 9 thereof, existed at all times relevant to the charges, to wit the “**The Firm**” criminal gang, operating in Milnerton, Wynberg, Bishop Lavis, Kraaifontein, Parow, Somerset West, Belhar, Green-Point, Kuils River and Blue Downs in the districts of Cape Town, Wynberg, Bishop Lavis, Kuils River, Bellville, Somerset West and Bluedowns:

AND THAT the “Criminal Gang” comprises of a group of three or more individuals, including Ralph Israel Stanfield, Nicole Tracey Johnson, Johannes Abrahams, Denver Booyesen, Jose Brandt, Jonathan Cloete, Abraham Wilson, Shakeel Pelston, Imtyaas Sedick, Warren Lee Dennis, Michael Morris, Chevonne McNabb, Sharazaadht Essop, Brandon Conelius, Donovan van Wyk and Keathan Gardiner.

AND THAT a “Criminal Gang” has a formal and/or informal structure, in that members of the “Criminal Gang” carry distinguishing ranks and/or hold distinguishing positions of leadership and subservience, in accordance with a ranking system traditionally inspired by the ranking system of the “28” Prison Gang, but not strictly adhered to on a street level,

AND THAT the existence of the “Criminal Gang” is ongoing in nature,

AND THAT the “Criminal Gang” has identifiable signs and symbols, including the words and/or the abbreviation “**THE FIRM**”,

AND THAT the "Criminal Gang" often tattoo the above words or symbols onto themselves,

AND THAT the "Criminal Gang" has an identifiable name, to wit "**THE FIRM**",

AND THAT the "Criminal Gang" has as one of its activities the commission of one or more criminal offences,

AND THAT the members of the "Criminal Gang", individually or collectively, engaged in a "pattern of criminal gang activity, as set out hereinafter,

(2) A "PATTERN OF CRIMINAL GANG ACTIVITY"

THAT a "pattern of criminal gang activity" exists, as is set out in Counts 2 – 38 of the indictment. The offences set out in Counts 2 to 38 of the indictment are offences contemplated in Schedule 1 of POCA, as aforementioned,

AND THAT the offences set out in Counts 2 - 38 of the indictment were all perpetrated after 21 January 1999, being the date of the commencement of Chapter 4 of POCA,

AND THAT the offences set out in Counts 2 – 38 of the indictment are consistent with the usual criminal activities of the "Criminal Gang" and were perpetrated by the Accused in their capacities as members of the "Criminal Gang", to the benefit of the "Criminal Gang";

(3) THE ACCUSED

AND THAT the Accused are all members of "**THE FIRM**" Criminal Gang" and were all members thereof at all times relevant to the indictment.

WHEREAS the "**THE FIRM**" are a criminal gang, as defined in section 1 of POCA, in that it is a formal or informal, ongoing organisation, association or group of three or more persons, which has the commission of one or more criminal offences as one of its activities and which has an identifiable name and identifiable signs and symbols and whose members, individually or collectively, engage in or have engaged in a pattern of criminal gang activity, including the pattern set out in Counts 2– 38 of the indictment;

AND WHEREAS POCA provides in section 9(1)(a) that any person who "*actively participates in or is a member of a criminal gang and who wilfully aids and abets any criminal activity committed for the benefit of, at the direction of or in association with any criminal gang*" is guilty of a criminal offence;

AND WHEREAS POCA provides in section 9(1)(b) that any person who "*actively participates in or is a member of a criminal gang and who threatens to commit, bring about or perform any act of violence or any criminal activity by a criminal gang or with the assistance of a criminal gang*" is guilty of a criminal offence;

AND WHEREAS POCA provides in section 9(2)(a) that any person who "*performs any act at which is aimed at causing, bringing about, promoting or contributing towards a pattern of criminal gang activity*" is guilty of a criminal offence;

AND WHEREAS POCA provides in section 9(2)(b) that any person who "*incites, instigates, commands, aids, advises, encourages or procures any other person to commit, bring about, perform or participate in a pattern of criminal gang activity*" is guilty of a criminal offence;

NOW THEREFORE THE STATE ALLEGES THAT THE ACCUSED ARE GUILTY OF THE FOLLOWING CRIMINAL GANG OFFENCES:

THAT between November 2019 and November 2023 and at or near Milnerton, Wynberg, Bishop Lavis, Kraaifontein, Parow, Somerset West, Belhar, Green-Point, Kuils River and Blue Downs in the districts of Cape Town, Wynberg, Bishop Lavis, Kuils River, Bellville, Somerset West and Blue Downs committed the following offences:

COUNT 1 (ACCUSED 1, 6, 8, 11, 13 AND 14)

COUNT 2 (ALL ACCUSED EXCEPT 14)

A CONTRAVENTION OF SECTION 9(1)(a) OF ACT 121 OF 1998 [AIDING AND ABETTING IN CRIMINAL GANG ACTIVITY]

THAT THE ACCUSED are guilty of a contravention of Section 9(1)(a), read with sections 1, 10 and 11 of The Prevention of Organised Crime Act, Act 121 of 1998.

IN THAT THE ACCUSED between,

COUNT 1: October 2019 and October 2022,

COUNT 2: November 2022 and November 2023,

and at or near Milnerton, Wynberg, Bishop Lavis, Kraaifontein, Parow, Somerset West, Belhar and Green-Point in the districts of Cape Town, Wynberg, Bishop Lavis, Kuils River, Bellville and Somerset West actively participated in or as members of a criminal gang, wrongfully, unlawfully, intentionally and wilfully aided and abetted any criminal activity for the benefit of, at the direction of, or in association with the "THE FIRM" criminal gang, to wit the offences set out in COUNTS 3– 38.

ALTERNATIVELY (ALL THE ACCUSED)

A CONTRAVENTION OF SECTION 9(2)(a) OF ACT 121 OF 1998 [CAUSING OR CONTRIBUTING TO A PATTERN OF CRIMINAL GANG ACTIVITY]

THAT THE ACCUSED are guilty of a contravention of section 9(2)(a), read with sections 1, 10 and 11 of the Prevention of Organised Crime Act, Act 121 of 1998.

IN THAT THE ACCUSED between,

ALT. COUNT 1: October 2019 and October 2022,

ALT. COUNT 2: November 2022 and November 2023,

and at or near Milnerton, Wynberg, Bishop Lavis, Kraaifontein, Parow, Somerset West, Belhar and Green-Point in the districts of Cape Town, Wynberg, Bishop Lavis, Kuils River, Bellville and Somerset West wrongfully and unlawfully performed any act which was aimed at causing, bringing about, promoting or contributing towards a pattern of criminal gang activity, to wit the offences set out in COUNTS 3 – 38

COUNT 3 (ACCUSED 1, 6 and 8)

CONSPIRACY TO COMMIT MURDER

THAT the accused are guilty of the offence of contravening the provisions of Section 18(2)(a) of the Riotous Assemblies Act, 17 of 1956 read with Sections 51(1), 51(2) of the Criminal Law Amendment Act, 105 of 1997 – Conspiracy to commit murder.

AND THAT the provisions of Section 10(3) of the Prevention of Organised Crime Act, Act 121 of 1998 are applicable.

IN THAT on or about **November 2019** and at or near **London Road, Salt River** in the District of the City of Cape Town, the accused, unlawfully and intentionally conspired to aid or procure the commission of, or to commit an offence, to wit to unlawfully and intentionally kill **RASHIED STAGGIE**, male persons by shooting him with firearms.

COUNT 4 (ACCUSED 1, 6, 8 and 13)

THAT THE ACCUSED ARE GUILTY OF MURDER read with Sections 1, 256, 257, 258 and 270 of the Criminal Procedure Act, Act 51 of 1977 and further read with the provisions of Section 51(1) of The Criminal Law Amendment Act No. 105 of 1997.

AND THAT the provisions of Section 10(3) of the Prevention of Organised Crime Act, Act 121 of 1998 are applicable.

IN THAT the accused on **13 December 2019** at or near **London Road, Salt River** in the District of the City of Cape Town, did unlawfully and intentionally kill **RASHIED STAGGIE**, a male person, by shooting him with firearms.

AND THAT the provisions of section 51(1) of the Criminal Law Amendment Act 105 of 1997 are applicable, in that:

- (a) the offence was planned or premeditated; or
- (b) the offence was committed by a person, group of persons or syndicate acting in the execution or furtherance of a common purpose or conspiracy.

COUNT 5 (ACCUSED 8 and 13)

POSSESSION OF AN UNLICENCED FIREARM

THAT THE ACCUSED is guilty of a contravention of Section 3 read with sections 1, 103, 117, 120(1)(a) and 121 read with Schedule 4 and Section 151 of the Firearms Control Act, 60 of 2000 and read with Section 250 of the Criminal Procedure Act, Act 51 of 1977 and further read with the provisions of Section 10(3) of The Prevention of Organised Crime Act, Act 121 of 1998.

IN THAT on or about **13 December 2019** at or near **London Road**, Salt River in the District of the City of Cape Town, the accused did unlawfully have in their possession firearms, the further particulars of which are unknown to the State, without holding a licence, permit or authorization issued in terms of the Act to possess the said firearms.

COUNT 6 (ACCUSED 8 and 13)

UNLAWFUL POSSESSION OF AMMUNITION

THAT THE ACCUSED is guilty of a contravention of Section 90 read with sections 1, 103, 117, 120(1)(a), Section 121 read with Schedule 4 and Section 151 of the Firearms Control Act, 60 of 2000 and read with Section 250 of the Criminal Procedure Act, 51 of 1977 and further read with the provisions of Section 10(3) of The Prevention of Organised Crime Act, Act 121 of 1998.

IN THAT on or about **13 December 2019** at or near **London Road**, Salt River in the District of the City of Cape Town, the accused did unlawfully have in their possession an unknown quantity of live rounds of ammunition being in lawful possession of

- (a) a licence in respect of a firearm capable of discharging that ammunition,
- (b) a permit to possess ammunition,
- (c) a dealer's licence, manufacturer's licence, gunsmith's licence, import, export or in-transit permit issued in terms of this Act,
- (d) or being otherwise authorised to do so.

COUNT 7 (ACCUSED 6 AND 11)

THAT THE ACCUSED ARE GUILTY OF MURDER read with Sections 1, 256, 257, 258 and 270 of the Criminal Procedure Act, Act 51 of 1977 and further read with the provisions of Section 51(1) of The Criminal Law Amendment Act No. 105 of 1997.

AND THAT the provisions of Section 10(3) of the Prevention of Organised Crime Act, Act 121 of 1998 are applicable.

IN THAT the accused on **2 February 2021** at or near Kraaifontein, in the district of Kuils River, did unlawfully and intentionally kill **WILLIAM STEVENS**, a male person, by shooting him with a firearm.

AND THAT the provisions of section 51(1) of the Criminal Law Amendment Act 105 of 1997 are applicable, in that:

- (a) the offence was planned or premeditated; or
- (b) the offence was committed by a person, group of persons or syndicate acting in the execution or furtherance of a common purpose or conspiracy.

COUNT 8 (ACCUSED 6 AND 11)

THAT THE ACCUSED IS GUILTY OF ATTEMPTED MURDER.

AND THAT the provisions of Section 51(2) of the Criminal Law Amendment Act No. 105 of 1997 are applicable in that this crime is mentioned in Part IV of Schedule 2 of the said Act and that the provisions of Section 10(3) of the Prevention of Organised Crime Act, Act 121 of 1998 and Section 258 of the Criminal Procedure Act, Act 51 of 1977 are applicable,

IN THAT the accused on **2 February 2021** at or near Kraaifontein, in the district of Kuils River, did unlawfully and intentionally attempt to kill **NAME WITHHELD**, a female person, by shooting at her with a firearm.

AND THAT the provision of section 51 (2) of the Criminal Law Amendment Act is applicable in that:

The offence involves an assault, when a dangerous wound was inflicted with a firearm, other than the offences referred to in Part I, II and III of the schedule.

COUNT 9 (ACCUSED 6 AND 11)

POSSESSION OF AN UNLICENCED FIREARM

THAT THE ACCUSED is guilty of a contravention of Section 3 read with sections 1, 103, 117, 120(1)(a) and 121 read with Schedule 4 and Section 151 of the Firearms Control Act, 60 of 2000 and read with Section 250 of the Criminal Procedure Act, Act 51 of 1977 and further read with the provisions of Section 10(3) of The Prevention of Organised Crime Act, Act 121 of 1998.

IN THAT on or about **2 February 2021** at or near Kraaifontein, in the district of Kuils River, the accused did unlawfully have in their possession firearms, the further particulars of which are unknown to the State, without holding a licence, permit or authorization issued in terms of the Act to possess the said firearms.

COUNT 10 (ACCUSED 6 AND 11)

UNLAWFUL POSSESSION OF AMMUNITION

THAT THE ACCUSED is guilty of a contravention of Section 90 read with sections 1, 103, 117, 120(1)(a), Section 121 read with Schedule 4 and Section 151 of the Firearms Control Act, 60 of 2000 and read with Section 250 of the Criminal Procedure Act, 51 of 1977 and further read with the provisions of Section 10(3) of The Prevention of Organised Crime Act, Act 121 of 1998.

IN THAT on or about 2 February 2021 at or near Kraaifontein, in the district of Kuils River, the accused did unlawfully have in their possession an unknown quantity of live rounds of ammunition being in lawful possession of

(a) a licence in respect of a firearm capable of discharging that ammunition,

- (b) a permit to possess ammunition,
- (c) a dealer's licence, manufacturer's licence, gunsmith's licence, import, export or in-transit permit issued in terms of this Act,
- (d) or being otherwise authorised to do so.

COUNT 11 (ACCUSED 6 AND 14)

THAT THE ACCUSED ARE GUILTY OF MURDER read with Sections 1, 256, 257, 258 and 270 of the Criminal Procedure Act, Act 51 of 1977 and further read with the provisions of Section 51(1) of The Criminal Law Amendment Act No. 105 of 1997.

AND THAT the provisions of Section 10(3) of the Prevention of Organised Crime Act, Act 121 of 1998 are applicable.

IN THAT the accused on 7 September 2021 at or near Parow, in the district of Bellville, did unlawfully and intentionally kill **FAIZEL ADAMS**, a male person, by shooting him with a firearm.

AND THAT the provisions of section 51(1) of the Criminal Law Amendment Act 105 of 1997 are applicable, in that:

- (a) the offence was planned or premeditated, or
- (b) the offence was committed by a person, group of persons or syndicate acting in the execution or furtherance of a common purpose or conspiracy.

COUNT 12 (ACCUSED 6 AND 14)

POSSESSION OF AN UNLICENCED FIREARM

THAT THE ACCUSED is guilty of a contravention of Section 3 read with sections 1, 103, 117, 120(1)(a) and 121 read with Schedule 4 and Section 151 of the Firearms Control Act, 60 of 2000 and read with Section 250 of the Criminal Procedure Act, Act 51 of 1977 and further read with the provisions of Section 10(3) of The Prevention of Organised Crime Act, Act 121 of 1998.

IN THAT on or about 7 September 2021 at or near Parow, in the district of Bellville, the accused did unlawfully have in their possession firearms, the further particulars of which are unknown to the State, without holding a licence, permit or authorization issued in terms of the Act to possess the said firearms.

COUNT 13 (ACCUSED 6 AND 14)

UNLAWFUL POSSESSION OF AMMUNITION

THAT THE ACCUSED is guilty of a contravention of Section 90 read with sections 1, 103, 117, 120(1)(a), Section 121 read with Schedule 4 and Section 151 of the Firearms Control Act, 60 of 2000 and read with Section 250 of the Criminal Procedure Act, 51 of 1977 and further read with the provisions of Section 10(3) of The Prevention of Organised Crime Act, Act 121 of 1998.

IN THAT on or about 7 September 2021 at or near Parow, in the district of Bellville, the accused did unlawfully have in their possession an unknown quantity of live rounds of ammunition being in lawful possession of

- (a) a licence in respect of a firearm capable of discharging that ammunition,
- (b) a permit to possess ammunition,
- (c) a dealer's licence, manufacturer's licence, gunsmith's licence, import, export or in-transit permit issued in terms of this Act,
- (d) or being otherwise authorised to do so.

COUNT 14 (ACCUSED 6)

THAT THE ACCUSED ARE GUILTY OF MURDER read with Sections 1, 256, 257, 258 and 270 of the Criminal Procedure Act, Act 51 of 1977 and further read with the provisions of Section 51(1) of The Criminal Law Amendment Act No. 105 of 1997.

AND THAT the provisions of Section 10(3) of the Prevention of Organised Crime Act, Act 121 of 1998 are applicable.

IN THAT the accused on **30 September 2021** at or near **Parow**, in the district of **Bellville**, did unlawfully and intentionally kill **ISMAIL ABRAHAMS**, a male person, by shooting him with a firearm.

AND THAT the provisions of section 51(1) of the Criminal Law Amendment Act 105 of 1997 are applicable, in that:

- (a) the offence was planned or premeditated; or
- (b) the offence was committed by a person, group of persons or syndicate acting in the execution or furtherance of a common purpose or conspiracy.

COUNT 15 (ACCUSED 6)

THAT THE ACCUSED IS GUILTY OF ATTEMPTED MURDER.

AND THAT the provisions of Section 51(2) of the Criminal Law Amendment Act No. 105 of 1997 are applicable in that this crime is mentioned in Part IV of Schedule 2 of the said Act and that the provisions of Section 10(3) of the Prevention of Organised Crime Act, Act 121 of 1998 and Section 258 of the Criminal Procedure Act, Act 51 of 1977 are applicable,

IN THAT the accused on **30 September 2021** at or near **Parow**, in the district of **Bellville**, did unlawfully and intentionally attempt to kill **NAME WITHHELD**, a male person, by shooting at him with a firearm.

AND THAT the provision of section 51 (2) of the Criminal Law Amendment Act is applicable in that:

The offence involves an assault, when a dangerous wound was inflicted with a firearm, other than the offences referred to in Part I, II and III of the schedule.

COUNT 16 (ACCUSED 6)

POSSESSION OF AN UNLICENCED FIREARM

THAT THE ACCUSED is guilty of a contravention of Section 3 read with sections 1, 103, 117, 120(1)(a) and 121 read with Schedule 4 and Section 151 of the Firearms Control Act, 60 of 2000 and read with Section 250 of the Criminal Procedure Act, Act 51 of 1977 and further read with the provisions of Section 10(3) of The Prevention of Organised Crime Act, Act 121 of 1998.

IN THAT on or about **30 September 2021** at or near **Parow**, in the district of **Bellville**, the accused did unlawfully have in their possession firearms, the further particulars of which are unknown to the State, without holding a licence, permit or authorization issued in terms of the Act to possess the said firearms.

COUNT 17 (ACCUSED 6)

UNLAWFUL POSSESSION OF AMMUNITION

THAT THE ACCUSED is guilty of a contravention of Section 90 read with sections 1, 103, 117, 120(1)(a), Section 121 read with Schedule 4 and Section 151 of the Firearms Control Act, 60 of 2000 and read with Section 250 of the Criminal Procedure Act, 51 of 1977 and further read with the provisions of Section 10(3) of The Prevention of Organised Crime Act, Act 121 of 1998.

IN THAT on or about **30 September 2021** at or near **Parow**, in the district of **Bellville**, the accused did unlawfully have in their possession an unknown quantity of live rounds of ammunition being in lawful possession of

- (a) a licence in respect of a firearm capable of discharging that ammunition,
- (b) a permit to possess ammunition,
- (c) a dealer's licence, manufacturer's licence, gunsmith's licence, import, export or in-transit permit issued in terms of this Act,
- (d) or being otherwise authorised to do so.

COUNT 18 (ACCUSED 1, 2, 3 AND 4 ONLY)

THAT the accused are guilty of the crime of Theft of a Motor vehicle

AND THAT on or about 24 November 2022 and at or near Palm Springs Security Complex, Milnerton in the District of Cape Town, the accused did unlawfully and intentionally steal a motor vehicle, to wit a **Black BMW** value R326 202.82 with registration number **CY 410 304**, the property or in the lawful possession of the **details of the lawful owner and/or possessor of the said motor vehicle is not disclosed for the safety of the aforesaid owner and/or possessor.**

COUNT 19 (ACCUSED 1,3 AND 4 ONLY)

THAT the accused are guilty of the crime of Robbery

AND THAT upon or about **24 November 2022** and at or near Palmsprings Security Complex, Milnerton in the District of Cape Town, the accused did unlawfully and intentionally assault **the name of the complainant is not disclosed for his safety** and did then and with force take the following items from him to wit a **cell phone** his property or property in his lawful possession.

COUNT 20 (ACCUSED 1)

THAT the accused are guilty of the crime of Fraud

AND THAT upon or about **24 November 2022** and at or near Palm Springs Security Complex, Milnerton in the District of Cape Town, the accused did unlawfully, falsely and with the intent to defraud and to the prejudice or potential prejudice of **the name of the complainant/victim is not disclosed for the safety of the victim** give out and pretend to Sindephi Mqokolo a Police officer that they are the lawful owners of a **Black BMW with Registration number CY 410 304**

WHEREAS in truth and in fact when the accused gave out and pretended as aforesaid, he/she/they knew that in truth and in fact:

They were not the lawful owners of the said motor vehicle.

COUNT 21 (ACCUSED 2)

THAT the accused are guilty of the crime of Fraud

AND THAT 24 November 2022 and at or near Palm Springs Security Complex, Milnerton in the District of Cape Town, the accused did unlawfully, falsely and with the intent to defraud and to the prejudice or potential prejudice of **the name of the complainant/victim is not disclosed for the safety of the victim** give out and pretend to an employee of Tracker that she was the lawful owner of a **Black BMW with Registration number CY 410 304**.

WHEREAS in truth and in fact when the accused gave out and pretended as aforesaid, he/she/they knew that in truth and in fact:

She knew she was not the lawful owner of the said motor vehicle.

COUNT 22 (ACCUSED 1 AND 15)

ROBBERY

In that upon or about **11 January 2023** and at or near Andrew Street, Valhalla Park in the district of Bishop Lavis the accused unlawfully assaulted **name withheld**, and by intentionally using force and violence to induce submission by the aforesaid person, took and stole from her certain property, **a Toyota Fortuner value R170 000**, her property or in her lawful possession, and thus robbed her of same.

COUNT 23 (ACCUSED 10, 11 AND 13)

THAT THE ACCUSED ARE GUILTY OF MURDER read with Sections 1, 256, 257, 258 and 270 of the Criminal Procedure Act, Act 51 of 1977 and further read with the provisions of Section 51(1) of The Criminal Law Amendment Act No. 105 of 1997.

AND THAT the provisions of Section 10(3) of the Prevention of Organised Crime Act, Act 121 of 1998 are applicable.

IN THAT the accused on **16 February 2023** at or near **Mandara Street, Delft**, in the district of **Bellville**, did unlawfully and intentionally kill **Wendy Kloppers**, a female person, by shooting her with a firearm.

AND THAT the provisions of section 51(1) of the Criminal Law Amendment Act 105 of 1997 are applicable, in that:

- (a) the offence was planned or premeditated; or
- (b) the offence was committed by a person, group of persons or syndicate acting in the execution or furtherance of a common purpose or conspiracy.

COUNT 24 (ACCUSED 10, 11 AND 13)

THAT THE ACCUSED IS GUILTY OF ATTEMPTED MURDER.

AND THAT the provisions of Section 51(2) of the Criminal Law Amendment Act No. 105 of 1997 are applicable in that this crime is mentioned in Part IV of Schedule 2 of the said Act and that the provisions of Section 10(3) of the Prevention of Organised Crime Act, Act 121 of 1998 and Section 258 of the Criminal Procedure Act, Act 51 of 1977 are applicable,

IN THAT the accused on **16 February 2023** at or near **Mandara Street, Delft**, in the district of **Bellville**, did unlawfully and intentionally attempt to kill **NAME WITHHELD**, a female person, by shooting at her with a firearm.

AND THAT the provision of section 51 (2) of the Criminal Law Amendment Act is applicable in that:

The offence involves an assault, when a dangerous wound was inflicted with a firearm, other than the offences referred to in Part I, II and III of the schedule.

COUNT 25 (ACCUSED 10, 11 AND 13)

POSSESSION OF AN UNLICENCED FIREARM

THAT THE ACCUSED is guilty of a contravention of Section 3 read with sections 1, 103, 117, 120(1)(a) and 121 read with Schedule 4 and Section 151 of the Firearms Control Act, 60 of 2000 and read with Section 250 of the Criminal Procedure Act, Act 51 of 1977 and

further read with the provisions of Section 10(3) of The Prevention of Organised Crime Act, Act 121 of 1998.

IN THAT on or about **16 February 2023** at or near **Mandara Street, Delft**, in the district of **Bellville**, the accused did unlawfully have in their possession firearms, the further particulars of which are unknown to the State, without holding a licence, permit or authorization issued in terms of the Act to possess the said firearms.

COUNT 26 (ACCUSED 10, 11 AND 13)

UNLAWFUL POSSESSION OF AMMUNITION

THAT THE ACCUSED is guilty of a contravention of Section 90 read with sections 1, 103, 117, 120(1)(a), Section 121 read with Schedule 4 and Section 151 of the Firearms Control Act, 60 of 2000 and read with Section 250 of the Criminal Procedure Act, 51 of 1977 and further read with the provisions of Section 10(3) of The Prevention of Organised Crime Act, Act 121 of 1998.

IN THAT on or about **16 February 2023** at or near **Mandara Street, Delft**, in the district of **Bellville**, the accused did unlawfully have in their possession an unknown quantity of live rounds of ammunition being in lawful possession of

- (a) a licence in respect of a firearm capable of discharging that ammunition,
- (b) a permit to possess ammunition,
- (c) a dealer's licence, manufacturer's licence, gunsmith's licence, import, export or in-transit permit issued in terms of this Act,
- (d) or being otherwise authorised to do so.

COUNTS 27 and 28 (ACCUSED 6, 7 AND 13)

THAT THE ACCUSED IS GUILTY of ATTEMPTED MURDER.

AND THAT the provisions of Section 51(2) of the Criminal Law Amendment Act No. 105 of 1997 are applicable in that this crime is mentioned in Part IV of Schedule 2 of the said

Act and that the provisions of Section 10(3) of the Prevention of Organised Crime Act, Act 121 of 1998 and Section 258 of the Criminal Procedure Act, Act 51 of 1977 are applicable.

IN THAT the accused on **10 March 2023** at or near Somerset West, in the district of Somerset West, did unlawfully and intentionally attempt to kill,

COUNT 27: GARRON POTTS, a male person,

COUNT 28: ALPHONSO AMBROSE, a male person,

by shooting them with firearms.

AND THAT the provision of section 51 (2) of the Criminal Law Amendment Act is applicable in that:

The offence involves an assault, when a dangerous wound was inflicted with a firearm, other than the offences referred to in Part I, II and III of the schedule.

COUNT 29 (ACCUSED 6, 7 AND 13)

POSSESSION OF AN UNLICENCED FIREARM

THAT THE ACCUSED is guilty of a contravention of Section 3 read with sections 1, 103, 117, 120(1)(a) and 121 read with Schedule 4 and Section 151 of the Firearms Control Act, 60 of 2000 and read with Section 250 of the Criminal Procedure Act, Act 51 of 1977 and further read with the provisions of Section 10(3) of The Prevention of Organised Crime Act, Act 121 of 1998.

IN THAT on or about **10 March 2023** at or near Somerset West, in the district of Somerset West, the accused did unlawfully have in their possession firearms, the further particulars of which are unknown to the State, without holding a licence, permit or authorization issued in terms of the Act to possess the said firearms.

COUNT 30 (ACCUSED 6, 7 AND 13)

UNLAWFUL POSSESSION OF AMMUNITION

THAT THE ACCUSED is guilty of a contravention of Section 90 read with sections 1, 103, 117, 120(1)(a), Section 121 read with Schedule 4 and Section 151 of the Firearms Control Act, 60 of 2000 and read with Section 250 of the Criminal Procedure Act, 51 of 1977 and further read with the provisions of Section 10(3) of The Prevention of Organised Crime Act, Act 121 of 1998.

IN THAT on or about **10 March 2023** at or near Somerset West, in the district of Somerset West, the accused did unlawfully have in their possession an unknown quantity of live rounds of ammunition being in lawful possession of

- (a) a licence in respect of a firearm capable of discharging that ammunition,
- (b) a permit to possess ammunition,
- (c) a dealer's licence, manufacturer's licence, gunsmith's licence, import, export or in-transit permit issued in terms of this Act,
- (d) or being otherwise authorised to do so.

COUNT 31 (ACCUSED 6, 8, 9 AND 13)

THAT THE ACCUSED IS GUILTY of ATTEMPTED MURDER.

AND THAT the provisions of Section 51(2) of the Criminal Law Amendment Act No. 105 of 1997 are applicable in that this crime is mentioned in Part IV of Schedule 2 of the said Act and that the provisions of Section 10(3) of the Prevention of Organised Crime Act, Act 121 of 1998 and Section 258 of the Criminal Procedure Act, Act 51 of 1977 are applicable.

IN THAT the accused on **31 March 2023** at or near **Belhar**, in the district of **Bellville**, did unlawfully and intentionally attempt to kill **JOEL BOOYSEN**, a male person, by shooting at him with a firearm.

COUNT 32 (ACCUSED 6, 8, 9 AND 13)

POSSESSION OF AN UNLICENCED FIREARM

THAT THE ACCUSED is guilty of a contravention of Section 3 read with sections 1, 103, 117, 120(1)(a) and 121 read with Schedule 4 and Section 151 of the Firearms Control Act,

60 of 2000 and read with Section 250 of the Criminal Procedure Act, Act 51 of 1977 and further read with the provisions of Section 10(3) of The Prevention of Organised Crime Act, Act 121 of 1998.

IN THAT on or about **31 March 2023** at or near Belhar, in the district of Bellville, the accused did unlawfully have in their possession firearms, the further particulars of which are unknown to the State, without holding a licence, permit or authorization issued in terms of the Act to possess the said firearms.

COUNT 33 (ACCUSED 6, 8, 9 AND 13)

UNLAWFUL POSSESSION OF AMMUNITION

THAT THE ACCUSED is guilty of a contravention of Section 90 read with sections 1, 103, 117, 120(1)(a), Section 121 read with Schedule 4 and Section 151 of the Firearms Control Act, 60 of 2000 and read with Section 250 of the Criminal Procedure Act, 51 of 1977 and further read with the provisions of Section 10(3) of The Prevention of Organised Crime Act, Act 121 of 1998.

IN THAT on or about **31 March 2023** at or near Belhar, in the district of Bellville, the accused did unlawfully have in their possession an unknown quantity of live rounds of ammunition being in lawful possession of

- (a) a licence in respect of a firearm capable of discharging that ammunition,
- (b) a permit to possess ammunition,
- (c) a dealer's licence, manufacturer's licence, gunsmith's licence, import, export or in-transit permit issued in terms of this Act,
- (d) or being otherwise authorised to do so.

COUNT 34 (ACCUSED 6 and 13)

THAT THE ACCUSED IS GUILTY of ATTEMPTED MURDER.

AND THAT the provisions of Section 51(2) of the Criminal Law Amendment Act No. 105 of 1997 are applicable in that this crime is mentioned in Part IV of Schedule 2 of the said Act and that the provisions of Section 10(3) of the Prevention of Organised Crime Act, Act 121 of 1998 and Section 258 of the Criminal Procedure Act, Act 51 of 1977 are applicable,

IN THAT the accused on **5 May 2023** at or near **Green Point**, in the district of **Cape Town**, did unlawfully and intentionally attempt to kill **JOEL BOOYSEN**, a male person, by shooting him with a firearm.

AND THAT the provision of section 51 (2) of the Criminal Law Amendment Act is applicable in that:

The offence involves an assault, when a dangerous wound was inflicted with a firearm, other than the offences referred to in Part I, II and III of the schedule.

COUNT 35 (ACCUSED 6 and 13)

POSSESSION OF AN UNLICENCED FIREARM

THAT THE ACCUSED is guilty of a contravention of Section 3 read with sections 1, 103, 117, 120(1)(a) and 121 read with Schedule 4 and Section 151 of the Firearms Control Act, 60 of 2000 and read with Section 250 of the Criminal Procedure Act, Act 51 of 1977 and further read with the provisions of Section 10(3) of The Prevention of Organised Crime Act, Act 121 of 1998.

IN THAT on or about **5 May 2023** at or near **Green Point**, in the district of **Cape Town**, the accused did unlawfully have in their possession firearms, the further particulars of which are unknown to the State, without holding a licence, permit or authorization issued in terms of the Act to possess the said firearms.

COUNT 36 (ACCUSED 6 and 13)

UNLAWFUL POSSESSION OF AMMUNITION

THAT THE ACCUSED is guilty of a contravention of Section 90 read with sections 1, 103, 117, 120(1)(a), Section 121 read with Schedule 4 and Section 151 of the Firearms Control Act, 60 of 2000 and read with Section 250 of the Criminal Procedure Act, 51 of 1977 and further read with the provisions of Section 10(3) of The Prevention of Organised Crime Act, Act 121 of 1998.

IN THAT on or about **5 May 2023** at or near **Green Point**, in the district of **Cape Town**, the accused did unlawfully have in their possession an unknown quantity of live rounds of ammunition being in lawful possession of

- (a) a licence in respect of a firearm capable of discharging that ammunition,
- (b) a permit to possess ammunition,
- (c) a dealer's licence, manufacturer's licence, gunsmith's licence, import, export or in-transit permit issued in terms of this Act,
- (d) or being otherwise authorised to do so.

COUNT 37 (ACCUSED 1, 5 AND 12)

THAT THE ACCUSED IS GUILTY of ATTEMPTED MURDER.

AND THAT the provisions of Section 51(2) of the Criminal Law Amendment Act No. 105 of 1997 are applicable in that this crime is mentioned in Part IV of Schedule 2 of the said Act and that the provisions of Section 10(3) of the Prevention of Organised Crime Act, Act 121 of 1998 and Section 258 of the Criminal Procedure Act, Act 51 of 1977 are applicable.

IN THAT on or about **7 September 2023** and at or near **Koeberg Road, Maitland** in the district of Cape Town, the accused did unlawfully and intentionally attempt to kill an adult male person, **the further details of whom the State does not want to disclose for the safety of the victim**, by shooting him with a firearm.

AND THAT the provision of section 51 (2) of the Criminal Law Amendment Act is applicable in that:

The offence involves an assault, when a dangerous wound was inflicted with a firearm, other than the offences referred to in Part I, II and III of the schedule.

COUNT 38 (ACCUSED 6, 5 AND 12)

POSSESSION OF AN UNLICENCED FIREARM

THAT THE ACCUSED is guilty of a contravention of Section 3 read with sections 1, 103, 117, 120(1)(a) and 121 read with Schedule 4 and Section 151 of the Firearms Control Act, 60 of 2000 and read with Section 250 of the Criminal Procedure Act, Act 51 of 1977 and further read with the provisions of Section 10(3) of The Prevention of Organised Crime Act, Act 121 of 1998.

IN THAT on or about **7 September 2023** and at or near Koeberg Road, Maitland in the district of Cape Town, the accused did unlawfully have in their possession firearms, the further particulars of which are unknown to the State, without holding a licence, permit or authorization issued in terms of the Act to possess the said firearms.

COUNT 39 (ACCUSED 6, 5 AND 12)

UNLAWFUL POSSESSION OF AMMUNITION

THAT THE ACCUSED is guilty of a contravention of Section 90 read with sections 1, 103, 117, 120(1)(a), Section 121 read with Schedule 4 and Section 151 of the Firearms Control Act, 60 of 2000 and read with Section 250 of the Criminal Procedure Act, 51 of 1977 and further read with the provisions of Section 10(3) of The Prevention of Organised Crime Act, Act 121 of 1998.

IN THAT on or about **7 September 2023** and at or near Koeberg Road, Maitland in the district of Cape Town, the accused did unlawfully have in their possession an unknown quantity of live rounds of ammunition being in lawful possession of

- (e) a licence in respect of a firearm capable of discharging that ammunition,
- (f) a permit to possess ammunition,
- (g) a dealer's licence, manufacturer's licence, gunsmith's licence, import, export or in-transit permit issued in terms of this Act,
- (h) or being otherwise authorised to do so.

COUNT 40 (ACCUSED 1)

POSSESSION OF AN UNLICENCED FIREARM

THAT THE ACCUSED is guilty of a contravention of Section 3 read with sections 1, 103, 117, 120(1)(a) and 121 read with Schedule 4 and Section 151 of the Firearms Control Act, 60 of 2000 and read with Section 250 of the Criminal Procedure Act, Act 51 of 1977 and further read with the provisions of Section 10(3) of The Prevention of Organised Crime Act, Act 121 of 1998.

IN THAT on or about **29 September 2023** at or near **10 Beauvais Ave, Constantia**, in the district of **Wynberg**, the accused did unlawfully have in his possession firearm, to with **shotgun**, without holding a licence, permit or authorization issued in terms of the Act to possess the said firearms.

COUNT 41 (ACCUSED 1)

UNLAWFUL POSSESSION OF AMMUNITION

THAT THE ACCUSED is guilty of a contravention of Section 90 read with sections 1, 103, 117, 120(1)(a), Section 121 read with Schedule 4 and Section 151 of the Firearms Control Act, 60 of 2000 and read with Section 250 of the Criminal Procedure Act, 51 of 1977 and further read with the provisions of Section 10(3) of The Prevention of Organised Crime Act, Act 121 of 1998.

IN THAT on or about **29 September 2023** at or near **10 Beauvais Ave, Constantia**, in the district of **Wynberg**, the accused did unlawfully have in their possession an unknown quantity of live rounds of ammunition being in lawful possession of

- (a) a licence in respect of a firearm capable of discharging that ammunition,
- (b) a permit to possess ammunition,

- (c) a dealer's licence, manufacturer's licence, gunsmith's licence, import, export or in-transit permit issued in terms of this Act,
- (d) or being otherwise authorised to do so.

A handwritten signature in cursive script that reads "Riley".

S RILEY

DEPUTY DIRECTOR OF PUBLIC PROSECUTIONS OF THE DIVISION

IN THE HIGH COURT OF SOUTH AFRICA
[WESTERN CAPE DIVISION, CAPE TOWN]

THE STATE

versus

1. **RALPH ISRAEL STANFIELD**

A 45-year-old adult South African male, residing at [REDACTED],
[REDACTED]

2. **NICOLE TRACEY JOHNSON**

A 37-year-old adult South African female, residing at [REDACTED],
[REDACTED]

3. **JOHANNES ABRAHAMS**

A 45-year-old adult South African male, residing at [REDACTED],
[REDACTED], [REDACTED]

4. **DENVER BOOYSEN**

A 38-year-old adult South African male, residing at [REDACTED],
[REDACTED], [REDACTED]

5. **JOSE BRANDT**

A 29-year-old adult South African male, residing at [REDACTED],
[REDACTED], [REDACTED]

6. **JONATHAN CLOETE**

A 46-year-old adult South African male, residing at [REDACTED],
[REDACTED], [REDACTED]

7. **ABRAHAM WILSON (DECEASED)**

A 46-year-old adult South African male, residing at [REDACTED],
[REDACTED], [REDACTED]

8. SHAKEEL PELSTON

A 28-year-old adult South African male, residing at [REDACTED], [REDACTED], [REDACTED]

9. IMTYAAS SEDICK

A 37-year-old adult South African male, residing at [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]

10. WARREN LEE DENNIS

A 40-year-old adult South African male, residing at [REDACTED], [REDACTED], [REDACTED]

11. MICHAEL MORRIS

A 38-year-old adult South African male, residing at [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]

12. CHEVONNE MCNABB

A 38-year-old adult South African male, residing at [REDACTED], [REDACTED], [REDACTED], [REDACTED]

13. SHARAZAADT ESSOP

A 35-year-old South African male, residing at [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]

14. BRANDON CORNELIUS

A 34-year-old South African male, residing at [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]

15. KEATHAN GARDINER

A 38-year-old South African male, residing at [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]

**SUMMARY OF SUBSTANTIAL FACTS IN TERMS
OF SECTION 144(3)(a) OF ACT 51 OF 1977**

**AD COUNTS 1, 2 AND ALT.
(ALL THE ACCUSED)**

1. The accused were at all times relevant to the charges, members of a criminal gang, namely the **"The Firm"** criminal gang of Bishop Lavis, Valhalla Park, Delft, Mitchells Plain as is set out in the General Preamble to the Indictment.
2. **"The Firm"** is a criminal gang, as defined in Section 1 of POCA and as intended in Section 9 thereof and existed at all times relevant to the charges. The gang comprised at all times relevant to the charges of a group of three or more individuals that included Ralph Israel Stanfield, Nicole Tracey Johnson, Johannes Abrahams, Denver Booysen, Jose Brandt, Jonathan Cloete, Abraham Wilson, Shakeel Pelston, Imtyaas Sedick, Warren Lee Dennis, Michael Morris, Chevonne McNabb, Sharazaadht Essop, Brandon Conelius, Donovan van Wyk and Keathan Gardiner.
3. The gang has a structure, in that members of the gang hold positions of leadership and subservience, in accordance with a ranking system traditionally inspired by the ranking system of the "28" prison Gang, but not strictly adhered to by the criminal gang in its activities and operations outside prison. Ralph Israel Stanfield is the leader of the gang.
4. The criminal gang opposes and fight against members of, *inter alia* **27 prison gang members, Hard Livings, Dixie Boys, Sexy Boys and Ghetto kids** criminal gangs in the Kraaifontein, Woodstock, Parow, Bellville, Belhar, Eerste River areas. The gang have committed various offences, the predicate offences, as set out in the indictment.

**AD COUNTS 3 TO 6
(ACCUSED 1, 6, 8 AND 13)**

5. The deceased was a member of the 26-prison gang and the leader of the Hard Livings street gang. As mentioned, the accused were all members of **The Firm**,

affiliated to the 28-prison gang, accused 1 was the leader. Accused 6 was the leader of The Firm in Kraaifontein.

6. Sometime prior to the deceased death, he visited accused 1. Shortly thereafter the deceased started associating with Jerome Booysen (Booyesen). Booysen and the deceased in count 6 were charged with the murder of Brian Wainstein, the friend of accused 1.
7. Sometime in November 2019 accused 1, 6 and others conspired and planned to kill the deceased. To this end they procured the services of accused 8 and 13 in order to assist them.
8. On the morning of Friday 13 December 2019, accused 6, 8 and 13 proceeded to the deceased's homestead in order to kill the deceased as planned. Accused 8 and 13 armed themselves with firearms. Accused 6 drove his Ford bakkie past the deceased who was seated in a Toyota motor vehicle outside his home.
9. Whilst the deceased was seated inside the abovementioned motor vehicle, accused 8 and 13 approached the deceased and opened fire fatally injuring the deceased.
10. The deceased succumbed to the injuries and died as a result of **"multiple gunshot wounds"**.
11. At all times material hereto the accused and others acted in concert and in furtherance of a common purpose to kill the deceased.

**AD COUNTS 7 TO 10
(ACCUSED 6 AND 11)**

12. The deceased was a member of the 27-prison gang and the leader of the said gang. The deceased resided in Rembrandt Street, Kraaifontein. As mentioned, accused 6 was the leader of **The Firm** in Kraaifontein.

13. The complainant in count 8 was an innocent bystander.
14. The deceased and Booyesen were charged with the murder of Brian Wainstein, the friend of accused 1.
15. Sometime prior to the incident in question accused 6 and others decided and planned to kill the deceased. To this end they procured the services of accused 11, a person named Siya and others in order to assist them.
16. On the afternoon of Tuesday, 2 February 2021, accused 6, 11 and others proceeded to the deceased's area in order to kill the deceased as planned. Accused 11 and Siya armed themselves with firearms and drove to Rembrandt Street. The deceased was seated in the street. Siya opened fire on the deceased from the motor vehicle. The driver stopped the motor vehicle and accused 11 and Siya alighted from the said vehicle and open fire on the deceased. Whilst shooting at the deceased, they also shot the complainant in count 8. They thereafter fled the scene.
17. The deceased died as a result of "gunshot wounds". The complainant in count 8 sustained a gunshot wound.
18. At all times material hereto the accused and others acted in concert and in furtherance of a common purpose to kill the deceased.

**AD COUNTS 11 TO 13
(ACCUSED 6 AND 14)**

19. The deceased was a member of the South African Police service and the cousin of the deceased in count 14. The deceased in count 14 was affiliated to the Ghetto Kids street gang of Hanover Park.
20. Sometime prior to the incident in question accused 6 and others decided and planned to kill the deceased in count 14. To this end they procured the services of accused 14, a person named Siya and others in order to assist them.

21. On the afternoon of Tuesday, 7 September 2021, accused 6, 14 and others proceeded to the area where the deceased in count 14 reside in order to kill the deceased as planned. Accused 14 and Siya armed themselves with firearms and drove to the home of the aforesaid deceased. The deceased in counts 11 and 14 were seated on the stoep. Accused 14 and Siya entered the aforesaid home and opened fire on the deceased in count 11. They thereafter fled the scene.
22. The deceased died as a result of **“multiple gunshot wound tracks to the body”**.
23. At all times material hereto the accused and others acted in concert and in furtherance of a common purpose to kill the deceased.

AD COUNTS 14 TO 17

(ACCUSED 6)

24. The deceased was affiliated to the Ghetto Kids street gang of Hanover Park.
25. Sometime prior to the incident in question accused 6 and others decided and planned to kill the deceased. To this end they procured the services of persons named Siya, Wagga and others in order to assist them.
26. The complainant in count 15 was an innocent bystander.
27. On the afternoon of Thursday, 30 September 2021, accused 6 and the abovementioned persons and others proceeded to the area where the deceased reside in order to kill the deceased as planned. Wagga and Siya armed themselves with firearms and drove to the home of the deceased. The deceased was seated on the driver's side of his motor vehicle. The said vehicle was in front of the deceased home. The driver of the motor vehicle in which Wagga and Siya was in stopped the said vehicle and Wagga and Siya alighted from the vehicle. They approached the deceased and opened fire. The complainant in count 15 approached them and they opened fire on him, injuring him. They thereafter fled the scene.

28. The deceased died on the scene as a result of **“multiple gunshot wounds to the body”**. The complainant sustained a gunshot.
29. At all times material hereto the accused and others acted in concert and in furtherance of a common purpose to kill the deceased.

**AD COUNTS 18 TO 21
(ACCUSED 1 TO 4 ONLY)**

30. The lawful owner of the black BMW with registration number CY 410 304 (the BMW) in this charge is the girlfriend of the complainant in count 37. The complainant in count 37 was the driver of the BMW on 24 November 2022. The complainant in count 37 was also a member of **“The Firm”** and an employee of accused 1.
31. On Wednesday, 24 November 2023, accused 2 contacted Tracker Company to establish where the BMW was. Accused 2 informed operator of Tracker that she was the lawful owner of the BMW and provided with the identification number of the lawful owner referred to in paragraph 29. Tracker thereafter provided accused 2 with the location of the BMW. Accused 2 and 4 were together at that stage. Accused 2 informed accused 1 of the location of the BMW. Accused 1 was with accused 3, the father of the complainant in count 37 and Ernest MacLaughlin (Ernest). The aforesaid people thereafter proceeded to the location of the BMW, Palm Springs Security Complex, Milnerton (the security complex).
32. Upon their arrival at the security complex, accused 2 proceeded to the security and informed him that she was the owner of the BMW and that they were going to take the said vehicle. Shortly thereafter accused 1 arrived and he also said that the BMW belonged to his wife, and they would be taking the vehicle.
33. Accused 1, 2, 3, 4 and Ernest proceeded inside the security complex to the BMW. Accused 1, 4 and Ernest proceeded to look for the complainant in count 37, accused 2 and 3 remained at the BMW with the security.

When they could not locate the complainant in count 6, accused 1, 2, 3, 4, Ernest and the security left. The complainant in count 19 remained at the BMW.

34. Later, accused 1, 3, 4 and Ernest entered the security complex. Whilst inside the said complex the aforementioned people approached the complainant in count 19 and surrounded him. Ernest and accused 4 first confronted the complainant and thereafter Accused 1 confronted him. Accused 1 took the complainant's cell phone and slapped the complainant. Ernest also assaulted the complainant. They thereafter left with the complainant cell phone.
35. Shortly after leaving the complainant in count 19, the police arrived. Accused 1, 2, 3, 4, Ernest and the complainant in count 37's father thereafter entered the security complex with the motor vehicles of accused 1 and 2.
36. Accused 1 approached the police officers and informed them that the motor vehicle belongs to his wife and alleged that the complainant stole his money.
37. Shortly after accused 1's interaction with the police, members of Cape Road Assist (CRA) arrived. Accused 1 told the members of CRA that they must tow the BMW. Accused 2 also confirmed by signing the job card that the BMW must be towed. The BMW was eventually placed on a tow truck with a flatbed. Accused 4 accompanied the tow truck driver to 167 Angela Street, Valhalla Park where the BMW was offloaded.
38. On 15 June 2023 the police obtained a search warrant for the abovementioned address, where they found and seized the BMW.
39. At all times material hereto the accused acted in concert and in furtherance of a common purpose to steal the motor vehicle of the complainant.

AD COUNT 22
(ACCUSED 1 TO 15 ONLY)

40. The complainant is married to a former member of "The Firm". The complainant and her husband resided in Bishop Lavis.
41. On the evening of Wednesday, 11 January 2023, accused 1 and 15 proceeded to the home of the complainant. The two accused went looking for the husband of the complainant. Upon their arrival accused 1 threatened the complainant and told her to open the door. They thereafter entered the house of the complainant and started searching for the complainant's husband.
42. After searching for the complainant's husband, accused 1 made a telephone call and instructed that the motor vehicle of the complainant must be taken. Shortly after the said call Teenage Fanie arrived. Fearing for her safety the complainant handed the keys to Teenage who took the complainant's motor vehicle.
43. The complainant proceeded to the police and reported to the police that her vehicle was robbed. Shortly after she reported the robbery the vehicle was torched.
44. At all times material hereto the accused and others acted in concert and in furtherance of a common purpose to rob the deceased of her motor vehicle.

AD COUNTS 23 TO 26

(ACCUSED 10, 11 AND 13)

45. The deceased was an employee of the City of Cape Town.
46. Sometime prior to the incident in question accused 10, 11, 13, Simon Stanfield, Ernst MacLaughlin and others decided and planned to kill any white person at the housing development site in Delft. To this end accused 13 and another person armed themselves with firearms.
47. On the afternoon of Thursday, 16 February 2023, accused 10 drove with Simon Stanfield and Ernest MacLaughlin (both now deceased) to Delft followed by accused 11 and 13 in their motor vehicles. Accused 11 proceeded to the development site and remained outside.

Accused 13 and another person also proceeded to the development site in order to kill the white person as planned. The driver of the motor vehicle in which accused 13 and the other person was, stopped the said vehicle and they alighted from the vehicle. They approached the deceased and a security guard and opened fire on them. They thereafter fled the scene.

48. The deceased died on the scene as a result of **“multiple gunshot wounds to the head and chest”**. The complainant in count 24 sustained a gunshot wound to the right wrist.
49. At all times material hereto the accused and others acted in concert and in furtherance of a common purpose to kill the deceased.

**AD COUNTS 27 TO 30
(ACCUSED 6, 7 AND 13)**

50. The two complainants in counts 27 and 28 are affiliated to the Dixie Boys in Eerste River.
51. Sometime prior to the incident in question accused 6, 7, 13, Simon Stanfield and others decided (the assailants) and planned to kill the complainant in count 27. To this end accused 13 and other persons armed themselves with firearms.
52. On the afternoon of Friday, 10 March 2023, the assailants drove in three motor vehicles to Somerset West in order to kill the deceased in count 27 as planned. The assailants spotted the two complainants exiting the Somerset mall and getting into their motor vehicle and followed them. The complainants stopped at a robot and accused 13 and two other gunmen alighted from their vehicle and opened fire on them. The complainants returned fire. The assailants thereafter fled the scene.
53. The complainant in count 27 sustained gunshot wounds to the left shoulder and upper arm. The complainant in count 28 sustained a gunshot wound to the right forearm.

54. At all times material hereto the accused and others acted in concert and in furtherance of a common purpose to kill the complainants.

AD COUNTS 30 TO 32

(ACCUSED 6, 7, 8, 9 AND 13)

55. The complainant is the son of Jerome Booyesen, the leader of the Sexy Boys.

56. Sometime prior to the incident in question accused 6, 7, 8, 9, 13 and others (the assailants) decided and planned to kill the complainant. To this end accused 13 and other persons armed themselves with firearms.

57. On the afternoon of Friday, 31 March 2023, the assailants drove in three motor vehicles to Belhar in order to kill the complainant as planned. The assailants spotted the complainant at robot. Accused 13 and another gunman alighted from their vehicle and opened fire on the complainant. The assailants thereafter fled the scene.

58. The complainant sustained no injuries as a result of the attack.

59. At all times material hereto the accused and others acted in concert and in furtherance of a common purpose to kill the complainant.

AD COUNTS 33 TO 35

(ACCUSED 6 and 13)

60. The complainant is the son of Jerome Booyesen, the leader of the Sexy Boys.

61. Sometime prior to the incident in question accused 6, 13 and others decided (the assailants) and planned to kill the complainant. To this end accused 13 and other persons armed themselves with firearms.

62. On the afternoon of Friday, 5 May 2023, the assailants drove in two motor vehicles to Green Point in order to kill the complainant as planned. The assailants spotted the complainant and accused 13 and another gunman alighted from their vehicle and chased him. They opened fire on the complainant. The assailants thereafter fled the scene.
63. The complainant sustained gunshot wounds to the right leg.
64. At all times material hereto the accused and others acted in concert and in furtherance of a common purpose to kill the complainant.

**AD COUNTS 36 TO 38
(ACCUSED 1, 5 AND 12)**

65. As mentioned, the complainant in the abovementioned count was a member of **“The Firm”** and an employee of the accused 1.
66. Sometime prior the incident in question accused 1 decided and planned to kill the complainant. To this end he then procured the services of accused 5 and 12 in order to assist him. Accused 5 and 12 are also members of **“The Firm”** criminal gang in Mitchells Plain.
67. On the afternoon of Thursday 7 September 2023, accused 5 and 12 proceeded to Astron garage on the corner of Koeberg and Section Road in order to kill the complainant as planned. The accused armed themselves with firearms. Upon seeing the complainant at the said garage and the accused approached him in their motor vehicle and opened fire. The complainant fled in his motor vehicle and the accused gave chase.
68. The complainant sustained a single gunshot wound to the said arm.
69. At all times material hereto the accused and others acted in concert and in furtherance of a common purpose to kill the complainant.

AD COUNTS 39 TO 40

(ACCUSED 1)

70. On 29 September 2023 the police proceeded to the home of accused 1 and 2 to arrest them.
71. The police requested accused 1 and another male to lay on the ground. Whilst on the ground the police spotted accused 1 trying to hand a key to another male. The police took the key and established that it is a safe key. The police opened the safe and found the firearm and ammunition in counts 39 and 40.
72. Accused 1 did not possess a license for the said firearm and ammunition. He was thereafter arrested.