



S v Alfonso Mentoer

ANNEXURE “ ”
Case nr: BD3/119/25

Sentence:

1. Charge 1 – 3 are taken together for purpose of sentencing and the Accused is fined to a fine of R12 000.00 (Twelve Thousand Rand) or eighteen (18) months' imprisonment, which sentence is wholly suspended for a period of five (5) years on condition that the accused is not convicted of an offence in terms of section 2 of the Animals Protection Act 71 of 1962, committed during the period of suspension.
2. The accused is declared unfit to own or be in charge of any dog for a period of five (5) years.


Add Magistrate: Blue Downs
Ms F Valley-Omar

MAGISTRATE		
Private Bag X1, Kuilsriver 7579		
	2026 -02- 11	Date
BD4		
BLUEDOWNS MAGISTRATE'S COURT		

**IN THE MAGISTRATES COURT FOR THE DISTRICT OF KUILS RIVER, HELD AT
BLUE DOWNS**

Case No: BD3/119/25

In the matter between

THE STATE

and

ALFONSO MENTOOR

THE ACCUSED

**PLEA AND SENTENCE AGREEMENT IN TERMS OF
SECTION 105A OF ACT 51 OF 1977**

A PREAMBLE

WHEREAS

- 1 The accused is charged with
 - 1.1 Contravention of section 2(1)(a) of Act 71 of 1962 – Cruelty to animals (ill-treat and/or neglect animal)
 - 1.2 Contravention of section 2(1)(b) of Act 71 of 1962 – Cruelty to animals (chain or secure animal)
 - 1.3 Contravention of section 2(1)(c) of Act 71 of 1962 – Cruelty to animals (deny drinking water)
- 2 The Control Prosecutor, Mrs. J Cochrane, has been duly authorized in writing by the National Director of Public Prosecutions, as required by Section 105A of Act 51/77, to negotiate and enter into an agreement with the accused (reference NPS 9/2/2 dated 25 June 2003).
- 3 The prosecutor is duly authorized to conduct proceedings in court on behalf of the State in connection with this agreement, after it has been duly entered into.
- 4 The Control Prosecutor and the accused, who is represented herein by Mr. R Africa have negotiated and entered into the agreement in respect of a plea of guilty by the accused to the offences of which he may be convicted on the charges, as well as a sentence to be imposed by this Honourable Court;
- 5 The accused has been informed of the following of his rights referred to in Section 105 A (2)(a) of Act 51 of 1977:

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- (a) To be presumed innocent until proven guilty beyond reasonable doubt;
 - (b) To remain silent and not to testify during the proceedings; and
 - (c) Not to be compelled to give self-incriminating evidence;
 - (d) That he is not obliged to enter into this agreement, but that if he enters into this agreement, the content thereof will be made known to the Court which may convict and sentence him in terms of the agreement or may refuse to accept the agreement, in which case the agreement will be null and void and the State will not be able to use or present such agreement against him as evidence at a criminal trial.
 - (e) The accused has been informed that this agreement cannot bind the Court not to exercise its discretion to make a specific order or conduct a specific enquiry, in which event the accused will be entitled to follow any direction given by the Court.
- 6 **WHEREAS** the Control Prosecutor has duly complied with the requirements of Section 105A(1)(b) of Act 51 of 1977:
- a) The investigating officer, being Sers Van Rensburg, has been consulted. He is satisfied with the terms of the agreement, including the sentence. A copy of a confirmatory affidavit is hereto attached marked "A".
 - b) The complainant, being the SPCA represented by Chief Inspector Jan Pieterse, has been consulted and is satisfied with the terms of the agreement, including the sentence. The complainant is satisfied with the terms of the agreement, including the sentence, and does not wish to make further representations to the Prosecution. A copy of a confirmatory affidavit is hereto attached marked "B".
 - c) Due regard has been had to the circumstances prescribed in Section 105A(b)(ii) of Act 51 of 1977;
- 7 The accused admits guilt in respect of the charges, as mentioned above, and pleads guilty thereto on the basis set out below;
- 8 The Public Prosecutor is prepared to accept such plea of guilty.

NOW THEREFORE the Public Prosecutor and the accused agree as follows in respect of

B PLEA OF GUILTY AND ADMISSIONS

- 1 I, Alfonso Mentoer, am the accused in this matter;

I understand the charges as set out in the charge sheet and freely, voluntarily and without any influence plead guilty to the commission of the offences as set out below:

Count 1

The accused is guilty of the crime of contravening of Section 2(1)(a) of the Animals Protection Act 71 of 1962

In that on or about 3 February 2025 and at or near 3 Lobelia Lane, Devon Park Village, Cape Town, in the District of Blue Downs, the accused did unlawfully and intentionally ill-treat and/or neglect to wit one (1) black Pitbull-type dog, one (1) brown Pitbull-type dog, and one (1) brindle Pitbull-type dog, by keeping the said animals under conditions that caused unnecessary suffering.

Count 2

The accused is guilty of the crime of contravening of Section 2(1)(b) of the Animals Protection Act 71 of 1962

In that on or about 3 February 2025 and at or near 3 Lobelia Lane, Devon Park Village, Cape Town, in the District of Blue Downs, the accused did unlawfully and intentionally chain or secure to wit one (1) black Pitbull-type dog, one (1) brown Pitbull-type dog, and one (1) brindle Pitbull-type dog, unnecessarily and/or under such conditions and/or in such a manner as to cause the said animals unnecessary suffering.

Count 3

The accused is guilty of the crime of contravening of Section 2(1)(c) of the Animals Protection Act 71 of 1962

In that on or about 3 February 2025 and at or near 3 Lobelia Lane, Devon Park Village, Cape Town, in the District of Blue Downs, the accused did unlawfully and intentionally deny drinking water to wit one (1) black Pitbull-type dog, one (1) brown Pitbull-type dog, and one (1) brindle Pitbull-type dog, thereby unnecessarily causing suffering.

2. In amplification of the plea of guilty to these charges, **NOW THEREFORE** the accused makes the following admissions:

AD COUNTS 1 TO 3:

- 2.1. I admit that on 3 February 2025, at 3 Lobelia Lane, Devon Park Village, in the District of Blue Downs, and within the jurisdiction of this Honourable Court, I was present at the said property.
- 2.2. I admit that at all relevant times I was the owner and person in control of one (1) black Pitbull-type dog, one (1) brown Pitbull-type dog, and one (1) brindle Pitbull-type dog (hereinafter referred to as "the dogs"), which were kept at the aforesaid property, and that I bore a legal duty of care towards the dogs.
- 2.3. I admit that I unlawfully ill-treated and neglected the dogs by failing to take reasonable steps to provide them with adequate care.

- 2.4. I further admit that I unnecessarily kept the dogs chained on short static chains and under conditions and in a manner that caused the dogs unnecessary suffering.
- 2.5. I further admit that I failed to provide the dogs with access to drinking water on the said date.
- 2.6. I admit that on 3 February 2025, officials from the SPCA and Law Enforcement attended at my property and found the dogs chained to their kennels and without access to drinking water. The photographic evidence obtained by the SPCA is attached hereto, marked Exhibit "C".
- 2.7. I admit the contents of the veterinary report attached hereto, marked Exhibit "D", insofar as it relates to the condition of the animals.
- 2.8. I admit that the SPCA removed the dogs from the property and that I was thereafter arrested and formally charged at Kleinville SAPS.
- 2.9. I admit that at all relevant times I was aware that my conduct constituted a failure to provide adequate care to the dogs and amounted to unlawful ill-treatment and neglect, including unnecessarily chaining the dogs under conditions causing unnecessary suffering and failing to provide them with drinking water.
- 2.10. I further admit that at the time of the commission of the offences, I knew that my conduct was wrongful and unlawful, and that I was aware that I could be prosecuted and punished by a court of law for such conduct.

NOW THEREFORE the accused admits that he is guilty of the charge of contravention of Section 2(1)(a), Section 2(1)(b) and Section 2(1)(c) of the Animals Protection Act 71 of 1962.

C AGREEMENT IN RESPECT OF A JUST SENTENCE – SUBSTANTIAL AND OTHER RELEVANT FACTS

1. The aggravating factors are as follows:
 - 1.1 The offence is of a serious nature, involving the ill-treatment and neglect of animals in circumstances where the accused bore a clear and ongoing legal duty of care towards them.
 - 1.2 The conduct of the accused resulted in unnecessary suffering to the animals, which suffering was entirely avoidable had reasonable care been taken.
 - 1.3 The offence was not momentary or accidental, but occurred over a period of time, during which the accused failed to remedy the conditions under which the animals were kept.
 - 1.4 The dogs were confined on short static chains, significantly limiting their movement and ability to seek relief from discomfort or thirst.

- 1.5 The dogs were denied access to drinking water, an essential and necessity for survival and well-being.
 - 1.6 The dogs were wholly dependent on the accused for their care and protection, were vulnerable, and were unable to protect themselves from the suffering caused by the accused's conduct.
 - 1.7 The offence reflects a disregard for the welfare of animals and undermines the objects and protective purpose of the Animals Protection Act 71 of 1962.
2. The mitigation factors are as follows:
- 2.1 The accused is a 26 year old man.
 - 2.2 The accused is single, but live with his partner at his mother's house. They have a daughter, aged 2 years old.
 - 2.3 The accused is working as a security guard on a contract basis. He earns between R6000.00 to R7500.00 per month depending on the duration of the shifts and if overtime is required.
 - 2.4 The accused highest education is Grade 9.
 - 2.5 The accused qualifications is as follows: C Grade Security Guard Officer and DH1 and DH2 Training as a dog handler.
 - 2.6 The accused has pleaded guilty, thereby accepting responsibility for his actions and demonstrating remorse.
 - 2.7 The guilty plea has saved valuable court time and resources and has spared witnesses, including officials and expert witnesses, from having to testify.
 - 2.8 The accused cooperated with the investigating authorities and did not obstruct the investigation.
 - 2.9 The accused has no previous convictions, alternatively no previous relevant convictions.
 - 2.10 The accused is a first offender in respect of offences in terms of the Animals Protection Act 71 of 1962.
 - 2.11 The accused has expressed remorse and insight into the wrongfulness of his conduct.
 - 2.12 The accused's personal circumstances, including employment status, family responsibilities, and financial position, have been considered.

- 2.13 The accused did not act with premeditation, and the offence did not involve deliberate cruelty for gain or entertainment.
- 2.14 The accused has consented to the removal of the animals and has not opposed the intervention by the SPCA.
- 2.15 The accused has undertaken not to repeat the offending conduct and acknowledges his duty of care towards animals.
- 2.16 The proposed sentence appropriately balances the seriousness of the offence with the personal circumstances of the accused and the interests of society.

The gravity of the offences, the interest of the community and the personal circumstances of the accused have duly been considered by both parties.

It is agreed that the following is a just sentence in the circumstances of the charges mentioned above.

The agreed sentence:

1. Charge 1 – 3 are taken together for purpose of sentencing and the Accused is fined to a fine of R12 000.00 (Twelve Thousand Rand) or eighteen (18) months' imprisonment, which sentence is wholly suspended for a period of five (5) years on condition that the accused is not convicted of an offence in terms of section 2 of the Animals Protection Act 71 of 1962, committed during the period of suspension.
2. The accused is declared unfit to own or be in charge of any dog for a period of five (5) years.

will be imposed by the court.

D. OTHER RELEVANT ASPECTS REGARDING THE AGREEMENT.

The accused does not have any objection against the submission of the attached document/reports to the court. The accused confirms herewith that he/she had studied the document/reports and that he/she admits the correctness of the contents of the documents/reports as well as that the documents/reports is/are according to the requirements of the Law. The documents/reports is/are then hereby marked as exhibits, namely:

Confirmatory Affidavit by the Investigating Officer – "A"

Confirmatory Affidavit by the Complainant – "B"

Photographic Evidence – "C"

Veterinary Report – "D"

The accused confirms the terms of the agreement and the admissions made by him or her in the agreement.

The accused confirms that the agreement was entered into freely and voluntarily in his or her sound and sober senses and without having been unduly influenced.

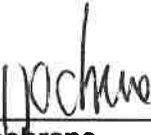
SIGNED AT Blue Dams ON THIS 11 DAY OF February 2026



Alfonso Mento
Accused

11/02/2026

Date



J Cochrane
District Court Control Prosecutor

11/02/2026

Date



Mr R Africa
Defence for the Accused

11/02/2026

Date



REPUBLIC OF SOUTH AFRICA

CHARGE SHEET

* Make an X in the appropriate block

Police station <i>Kleinfontein</i>	CAS/CR/MAS/MR No. <i>68-02-225</i>	Case No. <i>B03/119/25</i> Date.....
District/Division <i>City of Cape Town</i>	Place of trial <i>Blue Downs</i>	Review Case No. Date
		Investigation officer <i>Serg Ntsheni</i>
		Date of first appearance <i>2025-02-05</i>

Particulars of court officials must be furnished on the minutes of proceedings.

Particulars of accused *Alfonso Mendez* *11/02* *17/3* *16/4*

THE STATE VERSUS

Name <i>Alfonso Mendez</i>	
Address <i>03 Lombelia Street Dene Park Eastern</i>	
Male ☒ Female ☐	Nationality <i>R SA (SAB)</i> Age <i>25</i>
*In custody ☒ On bail ☐ Warned ☐	Date of arrest <i>20250205</i>

Name	
Address	
Male ☐ Female ☐	Nationality Age
*In custody ☐ On bail ☐ Warned ☐	Date of arrest

hereinafter called the accused) charged with the offence(s) as set out in Annexure(s) A to as attached.

Plea	<i>ACCUSED PLEADS GUILTY ON COUNT/S 3, 4 AND 5 I.T.O S 10SA ACT 51 / 1977 (PLEA AGREEMENT)</i>	(Date) <i>11/2/2026</i>
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Judgement	<i>ACCUSED FOUND GUILTY ON COUNT/S 3, 4 AND 5 IN ACCORDANCE WITH PLEA AGREEMENT I.T.O S 10SA ACT 51/1977</i>	(Date) <i>11/2/2026</i>
PP	<i>WITHDRAWS COUNT/S 1 AND 2 11/2/2026</i>	

Sentence on
AS PER ANNEXURE

 Private Bag X1, Kuilsriver 7579 Date <i>2026-02-11</i> Magistrate <i>[Signature]</i>		<i>216/2018</i> Date of appointment to the rank of Magistrate
Action with regard to revision of sentence <i>NR D7</i>		

ANNEXURE/AANHEGSEL

1303/119/25
Case No/Saak Nr: ~~B/119/25~~
Count No/Aanklag Nr: **1**

THE STATE

V

ALFONSO MENTOOR

ACCUSED

**CRUELTY TO ANIMALS - CONTRAVENTION OF SECTION 2A(1)(a) OF THE
ANIMALS PROTECTION ACT 71 OF 1962**

THAT the accused is guilty of the crime of contravening of Section 2A(1)(a) of the Animals Protection Act 71 of 1962, also read with Sections 1 and 2A(2) of said Act, also read with Sections 90 and 250 of the Criminal Procedure Act No 51 of 1977 and the Adjustment of Fines Act 101 of 1991 (where applicable).

IN THAT on or about **3 February 2025** and at or near **3 Lobelia Lane, Devon Park Village, Cape Town**, in the District of Blue Downs, the accused did unlawfully and intentionally possess, keep and/or have under his control to wit one (1) black Pitbull-type dog, one (1) brown Pitbull-type dog, and one (1) brindle Pitbull-type dog, for the purpose, or partly for the purpose, of fighting any other animal.

Penalty provision:

An unspecified fine not exceeding R80 000 (in accordance with the Adjustment of Fines Act 101 of 1991) and/or imprisonment to a maximum of 24 months (as specified under Section 2A of the Animals Protection Act 71 of 1962).

ANNEXURE/AANHEGSEL

1303/119/25
Case No/Saak Nr: ~~8/119/25~~
Count No/Aanklag Nr: 2

THE STATE

V

ALFONSO MENTOOR

ACCUSED

**CRUELTY TO ANIMALS - CONTRAVENTION OF SECTION 2A(1)(e) OF THE
ANIMALS PROTECTION ACT 71 OF 1962**

THAT the accused is guilty of the crime of contravening of Section 2A(1)(e) of the Animals Protection Act 71 of 1962, also read with Sections 1 and 2A(2) of said Act, also read with Sections 90 and 250 of the Criminal Procedure Act No 51 of 1977 and the Adjustment of Fines Act 101 of 1991 (where applicable).

IN THAT on or about **3 February 2025** and at or near **3 Lobelia Lane, Devon Park Village, Cape Town**, in the District of Blue Downs, the accused did unlawfully and intentionally use and/or control a place or premises, for the purpose, or partly for the purpose, of presenting animal fights on such premises.

Penalty provision:

An unspecified fine not exceeding R80 000 (in accordance with the Adjustment of Fines Act 101 of 1991) and/or imprisonment to a maximum of 24 months (as specified under Section 2A of the Animals Protection Act 71 of 1962).

ANNEXURE/AANHEGSEL

1303/119/25

Case No/Saak Nr: **8/119/25**

Count No/Aanklag Nr: **3**

THE STATE

V

ALFONSO MENTOOR

ACCUSED

**CRUELTY TO ANIMALS - CONTRAVENTION OF SECTION 2(1)(a) OF THE
ANIMALS PROTECTION ACT 71 OF 1962**

THAT the accused is guilty of the crime of contravening of Section 2(1)(a) of the Animals Protection Act 71 of 1962, also read with Sections 1 and 2(2) of said Act, also read with Sections 90 and 250 of the Criminal Procedure Act No 51 of 1977 and the Adjustment of Fines Act 101 of 1991 (where applicable).

IN THAT on or about **3 February 2025** and at or near **3 Lobelia Lane, Devon Park Village, Cape Town**, in the District of ~~Blue Downs~~ ^{City of Cape Town, sub district Kulsawen}, the accused did unlawfully and intentionally ill-treat and/or neglect to wit one (1) black Pitbull-type dog, one (1) brown Pitbull-type dog, and one (1) brindle Pitbull-type dog, by keeping the said animals under conditions that caused unnecessary suffering.

Penalty provision:

An unspecified fine not exceeding R40 000 (in accordance with the Adjustment of Fines Act 101 of 1991) and/or imprisonment to a maximum of 12 months (as specified under Section 2(1) of the Animals Protection Act 71 of 1962).

ANNEXURE/AANHEGSEL

003/119/25

Case No/Saak Nr: ~~B/119/25~~
Count No/Aanklag Nr: 4

THE STATE

V

ALFONSO MENTOOR

ACCUSED

**CRUELTY TO ANIMALS - CONTRAVENTION OF SECTION 2(1)(b) OF THE
ANIMALS PROTECTION ACT 71 OF 1962**

THAT the accused is guilty of the crime of contravening of Section 2(1)(b) of the Animals Protection Act 71 of 1962, also read with Sections 1 and 2(2) of said Act, also read with Sections 90 and 250 of the Criminal Procedure Act No 51 of 1977 and the Adjustment of Fines Act 101 of 1991 (where applicable).

IN THAT on or about **3 February 2025** and at or near **3 Lobelia Lane, Devon Park Village, Cape Town**, in the District of ~~Blue Downs~~, the accused did unlawfully and intentionally chain or secure to wit one (1) black Pitbull-type dog, one (1) brown Pitbull-type dog, and one (1) brindle Pitbull-type dog, unnecessarily and/or under such conditions and/or in such a manner as to cause the said animals unnecessary suffering.

city of Cape Town, sub district, Kulliswer

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Penalty provision:

An unspecified fine not exceeding R40 000 (in accordance with the Adjustment of Fines Act 101 of 1991) and/or imprisonment to a maximum of 12 months (as specified under Section 2(1) of the Animals Protection Act 71 of 1962).

ANNEXURE/AANHEGSEL

1003/119/25

Case No/Saak Nr: ~~B/119/25~~
Count No/Aanklag Nr: 5

THE STATE

V

ALFONSO MENTOOR

ACCUSED

**CRUELTY TO ANIMALS - CONTRAVENTION OF SECTION 2(1)(c) OF THE
ANIMALS PROTECTION ACT 71 OF 1962**

THAT the accused is guilty of the crime of contravening of Section 2(1)(c) of the Animals Protection Act 71 of 1962, also read with Sections 1 and 2(2) of said Act, also read with Sections 90 and 250 of the Criminal Procedure Act No 51 of 1977 and the Adjustment of Fines Act 101 of 1991 (where applicable).

IN THAT on or about **3 February 2025** and at <sup>city of Cape Town, sub. District
Kulshammer</sup> or near **3 Lobelia Lane, Devon
Park Village, Cape Town**, in the District of ~~Blue Downs~~, the accused did unlawfully and intentionally deny drinking water to wit one (1) black Pitbull-type dog, one (1) brown Pitbull-type dog, and one (1) brindle Pitbull-type dog, thereby unnecessarily causing suffering.

Penalty provision:

An unspecified fine not exceeding R40 000 (in accordance with the Adjustment of Fines Act 101 of 1991) and/or imprisonment to a maximum of 12 months (as specified under Section 2(1) of the Animals Protection Act 71 of 1962).

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Case No: **BD3/119** /2025

ON:	14 / 2 / 2026
PRESIDING OFFICER	MRS VALLEY OMAR
PROSECUTOR	MR DUKA
DEFENCE	MR MBALISELT Afrika
INTERPRETER:	Ms Moisa

ACCUSED — / — BEFORE COURT

PROCEEDINGS DIGITALLY RECORDED

S 105^A ACT 51 / 1977 (AGREEMENT) — EXHIBIT 'A'

SAP 69'S — EXHIBIT 'B'

SENTENCE 'APA'

①

MAGISTRATE	
Private Bag X1, Kuilsriver 7579	
	2026-02-11
BD4	
BLUESKOPPE MAGISTRATE'S COURT	

MAGISTRATE

DATE