

Supreme Court of Appeal of South Africa

MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 28 May 2008

Status: Immediate

S S L MATSHONA v THE STATE

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

The appellant, who was at the time a branch manager of a country-wide retail chain of stores, was tried in a regional court on numerous counts of fraud arising from false credits passed for goods returned. Pursuant to a plea of guilty, he was convicted and sentenced to 7 years' imprisonment.

The appellant applied unsuccessfully for leave to appeal against his sentence, and a petition to a high court for leave to appeal was similarly dismissed as was an application for leave to appeal against that dismissal. With leave of this court, he appealed against the dismissal of his petition in the high court.

The court held that the appellant ought to have been granted leave to appeal to the high court. However, despite the decision in *S v Nel* 2007(2) SACR A81 (SCA) the court concluded that it could not hear the appeal against the sentence which had first to be dealt with in the high court.

The appeal succeeded with the appellant being granted leave to appeal to the high court against his sentence.