



REPUBLIC OF SOUTH AFRICA

## SUPREME COURT OF APPEAL OF SOUTH AFRICA

### MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

**FROM** The Registrar, Supreme Court of Appeal  
**DATE** 12 September 2008  
**STATUS** Immediate

***Please note that the media summary is for the benefit of the media and does not form part of the judgment.***

*De Sousa v The State* (626/2007) [2008] ZASCA 93 (12 September 2008)

#### **Media Statement**

Today the Supreme Court of Appeal (SCA) upheld an appeal by Maria de Sousa against a sentence of seven and half years imposed on her by the Johannesburg Regional Court, which had convicted her, pursuant to her plea of guilty, of 13 counts of fraud.

In her plea explanation she stated that she had been influenced by her boyfriend, who was an executive director of the complainant company, to misrepresent to it that she was entitled to certain payments in consequence of her having sold and delivered goods to it. No such goods had in fact been sold and delivered by her to the complainant company. Cheques issued by the company were then deposited into her bank account and after the proceeds had been cleared, transferred into her boyfriend's personal account. The total loss suffered by the complainant was slightly in excess of one million Rand.

An appeal by her to the Johannesburg High Court proved unsuccessful. The SCA stated that there are facts that distinguished this case from many other similar cases. According to the SCA, although the complainant lost a very large sum of money, the appellant only benefited to the tune of R90 000. In respect of that sum, once discovered, she immediately undertook to repay the money, signed an acknowledgment of indebtedness and in fact has since repaid that amount to the complainant in full. Even before she came to be sentenced, she had furnished the investigating officer with a statement detailing her involvement as well the involvement of her boyfriend in the fraudulent scheme. Furthermore, it was evident that the investigating officer, who testified on her behalf during trial, was very well disposed towards her. The same could also be said of the complainant. It was thus abundantly clear that she has shown genuine remorse for what she has done.

Moreover, according to the SCA, there is little likelihood that the appellant will repeat the offence or that she in future will constitute a risk to society. She is obviously good human material and her prognosis for rehabilitation appears excellent. In those circumstances, the sentence of seven and half years' imprisonment was set aside and substituted in its stead was a sentence of four years' imprisonment.

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