



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal
Date: 25 September 2014
Status: Immediate

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.

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ETHRESIA MARGARETHA PIATER V THE STATE

The SCA today dismissed an appeal against sentence. The appellant had been sentenced by the regional court – Heidelberg to 7 years' imprisonment pursuant to her plea of guilty to 22 counts of fraud, 7 counts of forgery and uttering and one count of theft. The total amount involved was a sum just less than R400 000.

She appealed to the North Gauteng High Court with leave of the regional court. The high court, after careful consideration of the facts and the law before it, reduced the sentence to 4 years' imprisonment. Having taken all counts together for purposes of sentence. She appealed to this court, with leave of the high court.

This court could not find its way through to interfere with the sentence of the high court. It is trite that the power of the appeal court to interfere with a sentence is limited. The appeal court can only interfere with a sentence of the high court where the high court has materially misdirected itself or the sentence is shockingly disproportionate.

The appellant is 41 years old, married with two children. She stole from her employer, where she was placed in a position of trust dealing with moneys to be paid out to needy people. She

carefully planned this operation and executed it over a lengthy period. The fact that she is a first offender was considered in her favour. She repaid the full amount stolen, however, the so-called “white collar” crimes have been treated seriously by our courts and it is not uncommon to impose a custodial sentence for first offenders. It appears that she used the money for luxuries – since she failed to disclose what she did with the money. The appeal failed because this court was unable to find a material misdirection and is of the view that the sentence of 4 years’ imprisonment is proportionate to the offences convicted of.