

SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPREME COURT OF APPEAL

FROM: The Registrar, Supreme Court of Appeal

DATE: 31 MARCH 2010

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.

MAVIS PEMELLA STEYN v THE STATE

The Supreme Court of Appeal (SCA) today dismissed an appeal by the appellant, Ms Mavis Pemella Steyn, against the sentence imposed by the Regional Court. The appellant had been convicted of forgery, uttering and fraud. She was sentenced to two years imprisonment, conditionally suspended for five years on the forgery and uttering charges and to five years imprisonment in terms of section 276(1)(i) of the Criminal Procedure Act, 51 of 1977, on the fraud charge.

The SCA held that, despite the procedural irregularity and shortcomings in respect of the provisions contained in section 309B(5)(c)(ii) and section 309B(6) of the Criminal Procedure Act, the Court was competent to finalise the matter. It held further that, since the appellant had a similar previous conviction, had not complied with the conditions of suspension in respect of the previous conviction and, having regard to the fact that the appellant had again, as before, abused a position of trust in her employment situation to commit the offence, the appeal had to fail.

The SCA consequently confirmed the sentence imposed by the Regional Court.