

MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 28 March 2007

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

HEATHER JUNE SMITH v THE STATE

1. The Supreme Court of Appeal today upheld an appeal by the appellant against a sentence of four years' imprisonment. The sentence was imposed by the Wynberg Regional Court and upheld by the Cape High Court on one count of motor vehicle theft.
2. The Supreme Court of Appeal found that, although motor vehicle theft was a serious offence, more so in this case, that the appellant had stolen from her employer, a four year custodial sentence was excessive. The Supreme Court of Appeal found that the regional court had not given appropriate weight to the fact that the appellant was a first offender and had shown remorse by pleading guilty and that the sentence of four years was out of proportion when considering sentences imposed in other cases for similar offences.
3. The Supreme Court of Appeal set aside the sentence of four years' imprisonment and replaced it with a sentence of four years' imprisonment but suspended two years for five years on condition that the appellant was not convicted of theft of a motor vehicle or attempted theft of a motor vehicle committed within the period of suspension.