



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 2009

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.

J O MICHELE & ANOTHER v THE STATE

In 2002 the appellants were convicted of an insurance fraud and sentenced to seven years' imprisonment, two years of which were conditionally suspended. An appeal to the High Court, Pretoria against this sentence was dismissed in October 2003. Although the appellants immediately lodged an application for leave to appeal to the Supreme Court of Appeal, the application was only heard some five years later in August 2008, when leave to appeal was granted.

The Supreme Court of Appeal today upheld the appellants' appeal. It held that while the total potential loss to the complainant was R377 520 the actual loss suffered was only R20 000, and that the trial court had not paid sufficient regard to this fact. In the light of this misdirection and the mental anguish the appellants must have suffered during the lengthy period awaiting finality in the appeal, the sentence was reduced to four years' imprisonment, two years of which were conditionally suspended.