

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.

LOUIS JOHANN OLIVIER V THE STATE

The Supreme Court of Appeal (SCA) today dismissed an appeal by the appellant, Mr Louis Johann Olivier, against the sentence imposed on him by the Regional Court at East London for six counts of fraud, viz 7 years imprisonment, of which three years had been conditionally suspended. The SCA held that where an accused's legal representative makes factual averments in his oral address on sentence which are disputed by the prosecutor, a Court cannot take such averments into account in considering an appropriate sentence since they bear no evidentiary weight.

The SCA held that, notwithstanding the appellant's favourable personal circumstances, in view of the gravity of the offences, particularly that the fraud had been perpetrated over a considerable period against poor, uneducated people who had entrusted substantial sums of money to the appellant for investment, warranted direct imprisonment. As a result the appeal was dismissed and the sentence imposed by the Regional Court was confirmed.