

SOUTH AFRICA / JUDGMENT

S v Matodzi (Sentence) (CC34/2024) [2024] ZAGPPHC 746 (10 July 2024)

[2024] ZAGPPHC 746

COURT

North Gauteng High Court, Pretoria

BEFORE

Mosopa

CASE / FILE NUMBER

CC34/2024

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IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO: CC34/2024

DATE: 10-07-2024

(1) REPORTABLE: YES / NO.

(2) OF INTEREST TO OTHER JUDGES: YES / NO.

(3) REVISED.

DATE

SIGNATURE

In the matter between

STATE

And

TSHIFHIWA CALVIN MATODZI

Accused

SENTENCE

MOSOPA, J: Mr Matodzi the sentencing process is a very difficult process, but when there is a plea and sentence agreement between yourself and the state, it makes the work of this Court easier. I am satisfied that the sentence which was suggested is appropriate.

It is unfortunate that in this country white collar crimes like the one that you committed are committed by educated people who are in a position of trust. I was listening to the mitigating factors as they were read out in court by your counsel, it is clear that you are an educated person, you are a chartered accountant by profession, but it is because of your greed that you find yourself seated in that position. You were supposed to be contributing effectively to the economic growth and development of this country but because of greed you decided to do otherwise. And that is a very unfortunate situation.

I was also listening when this plea agreement was read, more especially paragraph 6.11.1 up to 35, it took two days, that is the 29 March 2017 and 30 March 2017 to collapse VBS, looking at the amounts that were fraudulently transferred into fictitious accounts, you can realise that these two days were very detrimental to the survival of VBS and that is very unfortunate. I was also listening to the mitigating factors as read by your counsel, I have never heard a single word uttered in that mitigating circumstances which says that there is money that you returned to VBS. It is very unfortunate, as looking at the money that was invested it was invested by mainly pensioners, the elderly, and some of the people as we heard from the newspapers that they have died while this debacle has not yet been resolved. It is very unfortunate Mr Matodzi.

The section under which you pleaded guilty to gives this Court authority to sentence you up to 25 years imprisonment or more than that, but it is because of this agreement that I am going to confine myself to the sentence agreed to. You had very illustrious employment history, you worked in very big companies, accounting companies and then you spoiled that record by mere greed. In terms of this agreement, you grew up Thohoyandou and VBS is situated in Thohoyandou. I wonder if you walk the streets of Thohoyandou and you raise your head up with pride and say to yourself that "I have collapsed this institution that was supposed to have served the people of Thohoyandou?" I do not think you will ever walk with pride in the streets of Thohoyandou again, even if you are released in the future.

So having said this Matodzi, I am going to sentence you in terms of the agreement that you and the state entered into. you are sentenced as follows Mr Matodzi:

1. You are sentenced to an effective term of imprisonment of 15 years of each count as set out in count 1 to 33, and it is ordered that the sentence imposed in respect of counts 2 to 33 to run concurrently with count 1. Meaning that the effective sentence that you are going to serve is 15 years.
2. You are not declared unfit to poses a firearm. That will be your sentence in terms of the agreement that you reach with the state.

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MOSOPA J

JUDGE OF THE HIGH COURT

DATE:

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