IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN

Case No: A43/26

Lower Court Case No.: PRCA152/2023

Reportable/Not Reportable

In the matter between:

MARK BEZUIDENHOUT Appellant

and

THE STATE Respondent

Coram: Pangarker J et Anderssen AJ

Heard: 15 June 2026

Delivered: Electronically on 9 July 2026

Summary: *Appeal against sentence* – sentence is neither disturbingly inappropriate nor out of proportion to the magnitude of the offences – aggravating circumstances substantial – trial court did not exercise discretion as to sentence unreasonably

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ORDER

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1. The appeal is dismissed.

2. The sentence of ten [10] years' direct imprisonment on count 1 (fraud) is confirmed.

3. The sentence of ten [10] years' direct imprisonment on count 2 (contravention of section 4(a) as read with sections 1, 4(i), 4(ii) and 8 of the Prevention of Organized Crime Act 121 of 1998 – money laundering), of which five (5) years shall run concurrently with the sentence imposed on count 1 (in terms of section 280(2) of the Criminal Procedure Act 51 of 1977), is confirmed.

JUDGMENT

Anderssen AJ (Pangarker J concurring)

[1] The appellant appeals against the sentence imposed by the Paarl Regional Court in respect of convictions of fraud and money laundering. On 13 June 2022 the appellant had falsely informed the complainant (the owner of Autodrome Cars) that a vehicle is available for purchase at a price of R220 000. He well knew that there was no such vehicle to purchase. The complainant, on 17 June 2022, paid R220 000 in respect of the non-existent vehicle to the appellant's bank account. The appellant immediately paid R217 500 of this amount into a third party's bank account to settle a 'debt' with the third party.

[2] Approximately one year later the appellant was arrested on 20 June 2023. More than two years later, after multiple appearances in court, on 6 November 2025, the appellant pleaded guilty to both charges and was sentenced on the same day to an effective 15 years' imprisonment. He was sentenced to 10 years each on the charges of fraud and money laundering but the regional magistrate directed that 5 of the 10 years on the money laundering conviction was to run concurrently with the sentence on the fraud charge.

[3] It was not clear from the submissions made by the appellant what the grounds were on which the appellant relied to appeal against the sentence. At the hearing the appellant's counsel relied, particularly, on the duration of the sentences and the fact that only 5 years of the sentence in respect of money laundering were directed to run concurrently with the fraud count. In her written submissions, she had proposed 8 years as an appropriate sentence , particularly as, to a large extent, the offences originated from the same set of facts. The respondent's counsel, on the other hand, argued that the sentences were appropriate in all the circumstances of the case, particularly when regard is had to the aggravating circumstances present. We agree with her.

[4] The appellant had, on 7 September 2018, in the Nelspruit Regional Court, been convicted on 9 counts of theft. At that stage, he was a first offender. He was sentenced to 10 years' imprisonment of which that court suspended 6 years for 5 years on condition that he was not again convicted of theft or fraud during the period of suspension. Despite being effectively sentenced to 4 years, the appellant was incarcerated for less than 10 months and

released on correctional supervision on 24 June 2019. The correctional supervision concluded on 6 September 2022. The fraud and money laundering offences were thus committed by the appellant whilst he was under correctional supervision and during the period of suspension. We consider this an important aggravating factor.

[5] As the regional magistrate pointed out, the appellant was afforded the opportunity of rehabilitating himself – not only because of the suspended sentence but also because of the early release from prison and the placement under correctional supervision. Instead of availing himself of this opportunity, the appellant committed further, more serious, crimes of fraud and money laundering. Fraud is a serious offence, which has become prevalent in our society, with a wide-ranging economic impact. The same is true of money laundering. None of the money (a substantial sum of R220 000 that would have taken time to accumulate for the complainant), which the complainant paid to the appellant, was recovered. This had a serious impact on the complainant's business as he was left with cashflow issues – he could not buy in other vehicles resulting in less sales stock and less commission for his sales personnel. The appellant did not tender any compensation to the complainant.

[6] The substantial delay before the appellant pleaded guilty is another aggravating factor. In fact, the respondent's counsel is correct when she argued that there is little mitigation in the appellant's personal circumstances. Not only did he wait for about 29 months after his arrest, to plead guilty to both charges but he also had a period of time in which he could have reflected and reconsidered his position between 13 June 2022,

when he made the fraudulent representations to the complainant, and 17 June 2022 when he was paid by the complainant. The situation is compounded by his immediate transfer of most of the funds to a third party making recovery of the funds impossible. This constituted money laundering, which was a separate action committed on a different date. Thus, the submission that the money laundering arose out of the same facts as the fraud, are unconvincing. Clearly, the appellant's actions did not demonstrate any remorse.

[7] The regional magistrate nevertheless showed the appellant some mercy by directing that 5 of the 10 year sentence imposed in respect of the money laundering conviction should run concurrently with the sentence imposed in respect of the fraud conviction.

[8] It is clear from the record that the regional magistrate took note of the ***Zinn***-triad and balanced the three elements: the crime, the offender, and the interests of society. In our view he ensured proportional, individualized sentencing by weighing the offences' severity, the appellant's circumstances, and public interest. We are thus unable to find that the sentence appealed against was so disturbingly inappropriate, or out of proportion to the magnitude of the offences, or sufficiently disparate that we should interfere on appeal.

[9] In conclusion, there is no indication on the record that the regional magistrate misdirected himself or exercised his discretion in respect of sentencing unreasonably. In all these circumstances, the appeal must be dismissed.

Order:

[10] In the result, I would grant the following order:

[10.1] The appeal is dismissed.

[10.2] The sentence of ten (10) years' direct imprisonment on count 1 (fraud) is confirmed.

[10.3] The sentence of ten (10) years' direct imprisonment on count 2 (contravention of section 4(a) as read with sections 1, 4(i), 4(ii) and 8 of the Prevention of Organized Crime Act 121 of 1998 – money laundering), of which five (5) years shall run concurrently with the sentence imposed on count 1 (in terms of section 280(2) of the Criminal Procedure Act 51 of 1977), is confirmed.

[redacted]

ANDERSSEN J S

Acting Judge of the High Court

I agree and it is so ordered,

[redacted]

PANGARKER M

Judge of the High Court

Appearances:

For the appellant: Adv N Kunju
Instructed by: Legal Aid

Cape Town

For the respondent: Adv T Berry
Instructed by: Office of the Director of Public Prosecutions
Cape Town