

Media Statement



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TO: ALL MEDIA

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RE: YOUNG WOMAN SENTENCED FOR BEATING UP A CHILD TO DEATH

The Western Cape High Court sentenced a young Robertson woman to twenty years direct imprisonment after convicting her on a charge of murder. Maria Fortuin, 22, entered into a plea and sentencing agreement with the state and stated that she beat up 3 year-old Mathew Ivor Smith to death after he soiled himself.

At the Circuit Court sitting in Worcester on Monday, she confessed that the little boy who was placed in safety care with the accused's mother by Child Care South Africa, was in her care as the accused's mother was away. She says she lost her temper after the deceased soiled himself. She claims she lost her temper as it happened fairly frequently in the past that the deceased did not go to the toilet on time and then soiled himself.

The accused commenced assaulting the deceased by hitting him on his body with her open hand. He fell and she continued hitting him on his body and head with her open hand, her fists, and by kicking him as he lay on the floor.

The accused cannot say how many times she hit and kicked the deceased, she admits the cause of death is blunt force trauma to the abdomen of the deceased, as described in the post mortem report. Following the assault on the deceased, the boy began speaking incoherently. The accused tried to get a lift with a neighbour to take the boy to the clinic but couldn't find his clinic card. She later pushed the injured boy in his pram to the clinic where the boy passed away later.

Advocate Esmeralda Cecil who finalized the agreement told the court that there was a relationship of trust, since the deceased was placed in the safety care of the accused's mother, and indirectly in the care of the accused. "The deceased was a defenceless child. The degree of violence is very severe. The deceased could not defend himself against the accused's senseless assault. She was aware that by assaulting the deceased in the

way as described *supra*, she may cause his death. She however reconciled herself with this possibility and continued with her actions. Accordingly, she admits her intention to cause the deceased's death in the form of *dolus eventualis*," she said.

The court declared the accused unfit to possess a firearm and ordered that her name be entered into the National Child Protection Register. The NPA welcomes the sentence as violent crimes against defenceless children are becoming common in the Western Cape.

Kind Regards,

Eric Ntabazalila

Regional Spokesperson: DPP Western Cape

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