

**IN THE HIGH COURT OF NAMIBIA**

In the matter between:

**THE STATE**

and

**LEMPIE KANANDUNGE MUZANIMA**

**Accused**

**CORAM:** DAMASEB, JP

Heard on: 20 April 2006; 25 April 2006

Delivered on: 25 April 2006

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**SENTENCE**

[1] **DAMASEB, JP:** On your own pleas of guilty, I found you guilty of murder, and concealment of birth, of your newborn child. You were 21 years old when you committed these offences. You are a young lady still. You are a first offender who is unemployed and has never been. You have no other children and you stated that you do not intend to return to school. You have no other responsibilities that have been brought to my attention. One inclines to leniency in these sort of matters but this offences (especially the killing of newborn babies) are very serious and do not seem to be isolated

events in this division. You sat a considerable length of time in prison after your arrest and I take that into account in the sentence that I impose.

[2] I hope that after counseling by a Social Worker on issues of pre-mature pregnancies, incurable diseases and generally about family planning you have learnt a lesson - and will not act irresponsibly in future in your own good.

[3] I take the two offences together for the purpose of sentence and sentence you as follows:

Three years imprisonment wholly suspended for a period of 5 years on condition you are not convicted of the offence of murder during the period of suspension.

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**DAMASEB, JP**

**ON BEHALF OF THE STATE:**

**Ms S Miller**

**Instructed By:**

**Office of the Prosecutor-General**

**ON BEHALF OF THE ACCUSED:**

**Ms H Hitula**

**Instructed By:**

**Directorate of Legal Aid**