

CASE NO.: CR 59/07

IN THE HIGH COURT OF NAMIBIA

In the matter between:

THE STATE

versus

ERICH MICHAEL SMITH

[HIGH COURT REVIEW CASE NO.: 407/07]

CORAM: PARKER, J. et SILUNGWE, AJ.

Delivered on: 2007 March 29

REVIEW JUDGMENT:

PARKER, J:

[1] The accused pleaded guilty to a contravention of s. 80(1), read with ss.1, 49, 50, 51, 80(2), 80(3), 86, 89, 106, 107 and 108, of Act 22 of 1999. He was accordingly convicted and sentenced. I have perused the record, and I am satisfied that the proceedings are in accordance with justice, but the formulation of the sentence is not clear.

[2] In the result, the conviction is confirmed and the sentence is set aside and the

following is put in its place:

The accused is sentenced to a fine of N\$1000,00 or to ten months' imprisonment of which N\$500,00 or five months' imprisonment are suspended for two years on condition that the accused is not convicted of a contravention of s. 80(1), read with ss. 1, 49, 50, 51, 80(2), 80(3), 86, 89, 106, 107 and 108, of Act 22 of 1999, committed during the period of suspension.

PARKER, J.

I agree

SILUNGWE, AJ.