

NOT REPORTABLE

CASE NO: CA28/2009

IN THE HIGH COURT OF NAMIBIA

In the matter between:

CLAASEN EISEB

APPELLANT

And

THE STATE

RESPONDENT

CORAM: HOFF, J

Heard on: 22 November 2010

Delivered on: 22 November 2010 (*Ex tempore*)

APPEAL JUDGMENT

HOFF, J: [1] I have explained to you earlier that when you appealed against the decision of a Regional Court Magistrate, this Court considered the merits of the case including your defence of self defence and the Court also considered the sentence imposed by the Regional Court Magistrate. At that stage, this Court found that the Magistrate did not misdirect himself in respect of the conviction or the sentence and confirmed the conviction as well as the sentence. You were not satisfied with the Appeal Judgment of this Court and you now, are here before the Court to argue that this Court should grant you leave to Appeal, against this Court's Ruling.

[2] I have given you the opportunity to address the Court on the issue of reasonable prospects of success on an appeal and I have read through all the documents filed and I have also considered the submission made by Mr Wantenaar who appears on behalf of the Respondent, the State in the matter.

[3] This Court is of the view that there are no reasonable prospects on Appeal and the Application for Leave to Appeal is dismissed.

[4] If you are still not satisfied with what I have said now, then you may petition the Chief Justice within 21 days and the Chief Justice may, having gone through the record of the proceedings at that stage, decide to grant the petition or to refuse it. If the petition is granted, then the matter will be argued and considered in the Supreme Court. If it is refused, that will be the end of the matter and you will have no further recourse, to any other Court. Do you understand that? Do you understand you have the right to petition the Chief Justice?

HOFF, J:

ON BEHALF OF THE APPELLANT: IN PERSON

Instructed by:

ON BEHALF OF THE RESPONDENT:

MS WANTENAAR

Instructed by:

OFFICE OF THE PROSECUTOR GENERAL

