



CASE NO.: CR 74/2011

IN THE HIGH COURT OF NAMIBIA

In the matter between:

THE STATE

and

ERNEST ERWIN HAOBEB

MERWIN GORASEB

ROMEO ROMANUS @ ROLLAS

(HIGH COURT REVIEW CASE NO.: 790/2010)

(MAGISTRATE'S SERIAL NO.: 13/2010)

CORAM: PARKER, J *et* SHIVUTE, J

Delivered on: 2011 August 23

REVIEW JUDGMENT

SHIVUTE, J: [1] The accused persons were convicted of the offence of theft and sentenced as follows:

“N\$1200.00 or 12 months imprisonment suspended for a period of 5 years on condition that accused is not convicted of theft or attempted theft during period of suspension”

[2] The conviction is in order. However, I am not satisfied with the framing of the sentence. The sentence and its conditions must be very clear and specific to enable the accused to know what is expected of him.

[3] The sentence and condition of suspension should read that each accused is sentenced and that the accused is not convicted of theft committed during the period of suspension.

[4] In the result, the following order is made:

(1) The conviction is confirmed.

(2) The sentence is altered to read:

Each accused is sentenced to one thousand two hundred (N\$1200.00) fine or in default twelve (12) month's imprisonment suspended for a period of five (5) years on condition that accused is not convicted of theft committed during the period of suspension.

SHIVUTE, J

I agree

PARKER, J