



**CASE NO.: CR 76/2011**

**IN THE HIGH COURT OF NAMIBIA**

In the matter between:

**THE STATE**

and

**PAUL MOUTON**

**(HIGH COURT REVIEW CASE NO.: 788/2010)**

**(MAGISTRATE'S SERIAL NO.: 12/2010)**

**CORAM: PARKER, J *et* SHIVUTE, J**

Delivered on: 2011 August 23

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**REVIEW JUDGMENT**

**SHIVUTE, J:** [1] The accused was charged with the offence of assault with intent to do grievous bodily harm and convicted as such.

[2] He was sentenced to 12 (twelve) months imprisonment, of which ½ suspended for a period of 5 (five) years on condition accused is not convicted of assault grievous bodily harm during period of suspension.

[3] The conviction is in order. However, there is a problem with the framing of the sentence. The sentence must be clear as well as its conditions so that the accused must know what is expected of him.

[4] The following words were omitted from the conditions of sentence:

With intent to do and committed.

The conditions of suspension should read that the accused is not convicted of assault with intent to do grievous bodily harm committed during the period of suspension.

[5] In the premises, the following order is made:

(1) The conviction is confirmed.

(2) The sentence is altered to read:

Twelve (12) months imprisonment, of which six (6) months is suspended for five (5) years on condition that each accused is not convicted of assault with intent to do grievous bodily harm committed during the period of suspension.

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SHIVUTE, J

I agree

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PARKER, J