



CASE NO.: CA 53/2009

"Not Reportable"

IN THE HIGH COURT OF NAMIBIA

In the matter between:

ANDY BEN MORITZ

Appellant

vs

THE STATE

Respondent

CORAM: **PARKER, J et UNENGU, AJ**

Heard on: 2010 February 11

Delivered on: 2010 February 11

APPEAL JUDGMENT

PARKER, J [1] In this case a Notice of Appeal was filed within the time limit, by - significantly - the appellant's legal representative, but there are no grounds of appeal attendant on the Notice.

[2] That being the case upon the authority of *Mbarandongo v The State Case*

No. CA 127/2009 (Unreported), which we accept as good law, we find that there is no valid Notice of Appeal before the Court, as counsel for the State argued.

[3] The so-called notice is therefore a nullity. In the result the appeal is dismissed.

PARKER, J I

agree

UNENGU, AJ

COUNSEL ON BEHALF OF THE APPELLANT: In Person **COUNSEL ON**

BEHALF OF THE RESPONDENT: Mrs Esterhuizen

Instructed by: The Office of the Prosecutor-General