



CASE NO.: CR 13/2012

NOT REPORTABLE

IN THE HIGH COURT OF NAMIBIA

In the matter between:

THE STATE

and

NEHEMIA POMBILI

HIGH COURT REVIEW CASE NO.: 2284/2011

CORAM: HOFF, J *et* MILLER, AJ

Delivered on: 21 February 2012

REVIEW JUDGMENT

HOFF, J: [1] The accused was convicted in the magistrate court of driving with an excessive breath alcohol level in contravention of section 82 (1)(a) of Act 22 of 1999.

[2] The condition of suspension reads that the accused should not be convicted of the offence of driving under the influence of liquor.

[3] I directed a query to the presiding magistrate, who readily conceded that he made a mistake.

[4] The conviction is confirmed but the sentence is rectified to read as follows:

N\$ 6 000,00 (six thousand Namibian Dollars) or 18 (eighteen) months imprisonment of which an amount of N\$3 000.00 (three thousand Namibian Dollars) or 12(twelve) months imprisonment are suspended for a period of 5 (five) years on condition that accused is not convicted of contravening section 82 (1)(a) of Act 22 of 1999 (driving with excessive breath alcohol level) committed during the period of suspension.

HOFF, J

I agree

MILLER, AJ