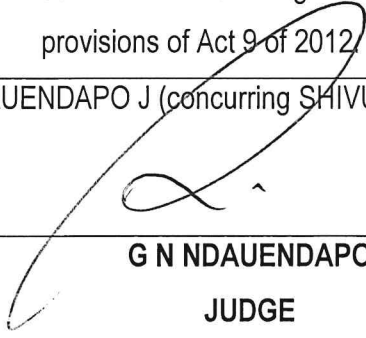
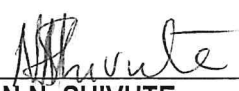


"ANNEXURE 11"

IN THE HIGH COURT OF NAMIBIA

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|---|--|
| Case Title: The State // Dylan Bester | Case No: CR 15 /2019 |
| | Division of Court: High Court |
| Heard before: Honourable Mr Justice Ndauendapo et Honourable Mr Justice Shivute | Delivered on: 25 February 2019 |
| Neutral citation: <i>The State v Bester</i> (CR 15 /2019) [2019] NAHCMD 38 (25 February 2019) | |
| The order: 1. The conviction and the sentence are confirmed. In terms of s 304 of the Criminal Procedure Act, the charge is altered/corrected to read: That the accused is guilty of contravening section 86(j) read with the provisions of s 89 and 91 of Act 9 of 2012. | |
| Reasons for order: 1. The accused was charged with escaping from lawful custody in contravention of Act 17 of 1998. However, Act 17 of 1998 was repealed by Act 9 of 2012 (The Correctional Service Act 9 of 2012) and he should have been charged under that act. 2. The evidence led at the trial support the conviction. There is no prejudice to the accused if this court correct/alter the charge to read: That the accused is guilty of contravening s 86(j) read with the provisions of Act 9 of 2012. | |
| NDAUENDAPO J (concurring SHIVUTE J) | |
|  G N NDAUENDAPO JUDGE |  N.N. SHIVUTE JUDGE |
| | |