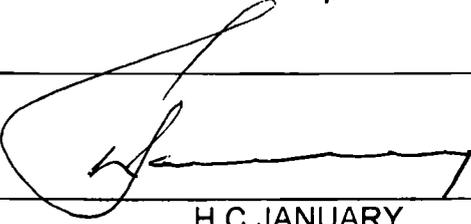


"ANNEXURE 11"
IN THE HIGH COURT OF NAMIBIA

Case Title: <i>The State v Emilia Malima</i>	Case No: CR 35/2018
	Division of Court: Northern Local Division
Heard before: Honourable Mr. Justice January J <i>et</i> Honourable Ms Justice Salionga AJ	Delivered on: 07 August 2018
Neutral citation: <i>S v Malima</i> (CR 35/2018) [2018] NAHCNLD 81 (07 August 2018)	
The order: <ol style="list-style-type: none">1. The conviction of theft is confirmed;2. The sentence of a fine of N\$2000 or 3 months imprisonment, wholly suspended for 3 years on condition that accused;<ol style="list-style-type: none">2.1 Is not convicted of theft committed during the period of suspension;2.2 Completes 160 hours of community service at Ondangwa Magistrate's' Court under supervision of Mr Abed Uushona commencing on 3 April 2018, to be completed on or before 30 April 2018 are confirmed;2.3 The condition of suspension is amended to include "between the hours of 08h00 and 17h00 on Mondays to Fridays except week-ends and public holidays."	
Reasons for order:	

JANUARY J (concurring SALIONGA AJ)

1. Guidelines for orders of community service are stipulated in *Hiemstra's Criminal: Procedure*, Issue 2, May 2009 at p 28-75 to p 28-76 with reference to *S v Sikunyana* 1994 (1) SACR 206 (TK) at 209 g-j. These are not a *numerus clausus* (restricted number) of guidelines.
2. Amongst others one of these guidelines is "The number of hours and days must be indicated". In my view an accused should know at what time of day he/she is required to commence duty and at what time he is allowed to end duty or knock off in a day. This will promote certainty. It has become practice that the times are included in the conditions of suspension. It is indicated in the Community Service Report.

	
H C JANUARY JUDGE	J T SALIONGA ACTING JUDGE

**IN THE HIGH COURT OF NAMIBIA: NORTHERN LOCAL DIVISION
HELD AT OSHAKATI: 07 AUGUST 2018
BEFORE THE HONOURABLE MR JUSTICE JANUARY
MS JUSTICE SALIONGA**

In the matter between:

THE STATE

v

EMILIA MALIMA

ACCUSED

Having considered the matter in chambers and having read the documents filed of record:

IT IS ORDERED THAT:

1. The conviction of theft is confirmed;
2. The sentence of a fine of N\$2000 or 3 months imprisonment, wholly suspended for 3 years on condition that accused;
 - 2.1 Is not convicted of theft committed during the period of suspension;
 - 2.2 Completes 160 hours of community service at Ondangwa Magistrate's' Court under supervision of Mr Abed Uushona commencing on 3 April 2018, to be completed on or before 30 April 2018 are confirmed;
 - 2.3 The condition of suspension is amended to include "between the hours of 08h00 and 17h00 on Mondays to Fridays except week-ends and public holidays."

BY ORDER OF COURT



REGISTRAR

/hsh