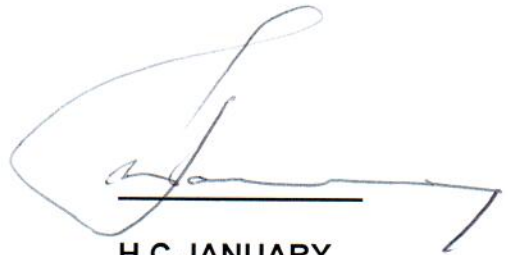


“ANNEXURE 11”
IN THE HIGH COURT OF NAMIBIA

Case Title: <i>The State v Johnny Sakaria</i>	Case No: CC 02/2014 Leave to Appeal
	Division of Court: Northern Local Division
Heard before: Honourable Mr. Justice January J	Delivered on: 2 October 2018
Neutral citation: <i>S v Sakaria</i> (CC 02/2014) [2018] NAHCNLD 96 (2 October 2018)	
The order: 1. The application for leave to appeal is refused.	
Reasons for order:	
JANUARY J : 1. The accused was indicted for murder and attempted murder. 2. The court found that the accused did not have intent to murder. 3. The accused was unsophisticated and intoxicated at the time of the assaults. 4. He was provoked in that the deceased and complainant in count 2 blamed him for the incarceration of a certain John, a relative of theirs. The deceased and complainant sought compensation. 5. The anger intensified when his wife was assaulted by the deceased with a walking stick after there was an argument about a tobacco pipe. 6. The accused beat the deceased with a dried wooden stick, resembling a pick-axe handle. He thereafter beat the complainant in count 2 with moderate force twice.	

7. The accused went back to the deceased and beat him indiscriminately, what the witnesses described with hard blows on the head and body.
8. The complainant in count 2 sustained a fractured arm and an open stellated wound on the occipital parietal aspect of the head.
9. The deceased sustained a fractured skull, multiple bruises, lacerations and abrasions, laceration of the liver and lungs with the cause of death as multiple blunt force trauma.
10. The court found that the accused acted negligently and convicted the accused for culpable homicide and assault with intent to do grievous bodily harm.
11. The application for leave to appeal was dismissed because the court was not convinced that another court will come to a different conclusion.

A handwritten signature in blue ink, appearing to read 'H C January', is written over a horizontal line.

H C JANUARY

JUDGE

**IN THE HIGH COURT OF NAMIBIA: NORTHERN LOCAL DIVISION
HELD AT OSHAKATI: 2 OCTOBER 2018
BEFORE THE HONOURABLE MR JUSTICE JANUARY**

In the matter between:

THE STATE

v

JOHNY SAKARIA

ACCUSED

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

IT IS ORDERED THAT:

1. The application for leave to appeal is refused.

BY ORDER OF COURT



REGISTRAR
/hsh