

REPUBLIC OF NAMIBIA



IN THE HIGH COURT OF NAMIBIA, NORTHERN LOCAL DIVISION, OSHAKATI

REVIEW JUDGMENT

Case Title: <i>The State v Hileni Amagonya</i>	CR No.: 48/2019 Case No: 222/2019
	Division of Court: Northern Local Division
Heard before: Honourable Mr. Justice January J <i>et</i> Honourable Ms. Justice Salionga J	Delivered on: 27 December 2019
Neutral citation: <i>S v Amagonya</i> (CR 48/2019) [2019] NAHCNLD 147 (27 December 2019)	
The order: <ol style="list-style-type: none">1. The conviction of theft is confirmed;2. The sentence of N\$2000 or three (3) months imprisonment, wholly suspended for three years on condition that accused completes 200 hours of community service at Ongula ya Netanya Agricultural office and that accused is not convicted of theft committed during the period of suspension is amended to read;3. Accused is sentenced to N\$2000 or three (3) months imprisonment wholly suspended for three years on condition that accused completes 200 hours of community service	

at Ongula ya Netanga Agricultural office under the supervision of Willem Haishonga between the hours 08h00 to 17h00 excluding week-ends and public holidays with effect from 11 March 2019 and that the accused is not convicted of theft committed during the period of suspension.

Reasons for the order:

JANUARY J (SALIONGA J concurring):

[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 209g-j. These are not a *numerus clausus* (restricted number) of guidelines.

[2] Amongst others one of these guidelines are 'the number of hours and days must be indicated, the person under whose supervision community service must be performed, the commencement date and days excluded'. An accused should know and be informed of the detail of the order as recommended by the member who completed the recommendation. This will promote certainty. It has become practice that the times, days to do duties, days excluded and under whose supervision are included in the conditions of suspension. It is indicated in the Community Service Report.

H C JANUARY
JUDGE

J T SALIONGA
JUDGE