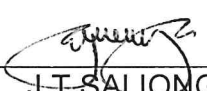
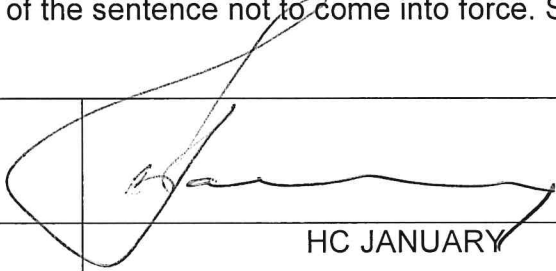


"ANNEXURE 11"
IN THE HIGH COURT OF NAMIBIA

Case Title: <i>The State v Fernando Alberto Antonio</i>	Case No: 233/2019 CR 19/2019
	Division of Court: Northern Local Division
Heard before: Honourable Mr. Justice January <i>et</i> Honourable Ms. Justice Salionga	Delivered on: 15 May 2019
Neutral citation: <i>S v Antonio</i> (CR 19/2019) [2019] NAHCNLD 49 (15 May 2019)	
The order: 1. The conviction is confirmed 2. The sentence is confirmed but the condition of suspension is deleted and is substituted by the following: Fine of N\$2000 or 60 days imprisonment wholly suspended for a period of 3 years on condition accused is not convicted of contravening section 34 (1) read with section 34(3) of Act 7 of 1993 committed during period of suspension.	
Reason for order	
SALIONGA J (JANUARY J concurring): 1. The condition of suspension is too vague and not specific. 2. Accused must be certain what he is prohibited from doing during the period of suspension for the suspended portion of the sentence not to come into force. See <i>S v Tomas</i> 1991 NR 104 (HC)	
 J-T SALIONGA JUDGE	 HC JANUARY JUDGE

CR 19/2019

**IN THE HIGH COURT OF NAMIBIA: NORTHERN LOCAL DIVISION
HELD AT OSHAKATI: 15 MAY 2019
BEFORE THE HONOURABLE MR JUSTICE JANUARY J
MS JUSTICE SALIONGA J**

In the matter between:

STATE

V

FERNANDO ALBERTO ANTONIO

ACCUSED

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

IT IS ORDERED THAT:

1. The conviction is confirmed
2. The sentence is confirmed but the condition of suspension is deleted and is

Substituted by the following:

Fine of N\$2000 or 60 days imprisonment wholly suspended for a period of 3 years on condition accused is not convicted of contravening section 34 (1) read with section 34(3) of Act 7 of 1993 committed during period of suspension.

BY ORDER OF COURT



REGISTRAR

//k