

REPUBLIC OF NAMIBIA



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

APPEAL JUDGMENT

Case Title: <i>Lukas Hamukoto v The State</i>	Case No: HC-NLD-CRI-APP-CAL-2019/00042
	Division of Court: Northern Local Division
Heard before: Honourable Mr Justice January J <i>et</i> Honourable Ms Justice Salionga J	Delivered on: 23 January 2020
Neutral citation: <i>Hamukoto v S</i> (HC-NLD-CRI-APP-CAL-2019/00042) [2020] NAHCNLD 09 (23 January 2020)	
The order: <ol style="list-style-type: none">1. Condonation in this matter is refused;2. The matter is struck from the roll and considered finalized.	
Reasons for order:	
[1] The appeal is against sentence.	
[2] The appellant is representing himself and the respondent by Mr Andreas.	
[3] He pleaded guilty to housebreaking with intent to steal and theft of household items to the value of N\$3390.	

[4] He was sentenced to 36 months imprisonment of which 12 months were suspended for a period of 4 years on condition that the accused is not convicted of housebreaking with intent to steal and theft committed during the period of suspension.

[5] He filed his notice of appeal late and explained that the reasons for the delay are that:

- After the sentence he was in a state of shock and it took a while for him to come to his senses about his right to appeal.
- He is illiterate and had to search for someone to assist.
- That the notice of appeal took a while in the hands of the correctional officers before it was filed.

[6] The record reflects that his rights to appeal and review were appropriately explained and he understood.

[7] In my view the explanation is not reasonable.

[8] In addition the appellant does not have reasonable prospects of success on appeal.

[9] The magistrate appropriately considered the personal circumstances of the appellant, the seriousness of the crime and circumstances under which it was committed.

[10] The sentence is further in line with similar sentences for similar offences.

H C JANUARY JUDGE	J T SALIONGA JUDGE

APPEARANCES

APPELLANT:

Mr L Hamukoto (in person)

Of Oluno Correctional Facility, Ondangwa

RESPONDENT:

Mr J Andreas

Of the Office of the Prosecutor-General, Oshakati