

CASE NO.: CR 58/07

IN THE HIGH COURT OF NAMIBIA

In the matter between:

THE STATE

versus

THOMAS WILBARD

[HIGH COURT REVIEW CASE NO.: 406/07]

CORAM: PARKER, J. *et* SILUNGWE, AJ.

Delivered on: 2007 March 29

REVIEW JUDGMENT:

PARKER, J:

[1] The accused pleaded guilty to housebreaking with intent to commit an offence unknown to the State. He was accordingly convicted and sentenced. I have perused the record, and I am satisfied that the proceedings are in accordance with justice, but the formulation of the sentence is wrong.

[2] In the result, the conviction is confirmed and the sentence is set aside and the following is put in its place:

The accused is sentenced to ten months' imprisonment of which five months are suspended for two years on condition that the accused is not convicted of housebreaking with intent to commit an offence unknown to the State or housebreaking with intent to steal, committed during the period of suspension.

PARKER, J.

I agree

SILUNGWE, AJ.