"ANNEXURE 11"

IN THE HIGH COURT OF NAMIBIA

Case Title: *S v Iitembu Frans*	Case No:50/2019 CR 8 /2019
	Division of Court: Northern Local Division
Heard before: Honorable Mr. Justice January J *et* Honorable Ms. Justice Salionga J	**Delivered on:** 21 February 2019
Neutral citation: *S v Frans* (CR 8/2019) [2019] NAHCNLD 16 (21 February 2019)	

The order:

1. The conviction is confirmed.
2. The sentence is amended to read as follows:
   24 months imprisonment of which 12 months are suspended for 5 years on condition the accused is not convicted of housebreaking with intent to steal and theft committed during the period of suspension.

Reasons for the order:

SALIONGA J (JANUARY J concurring):

1. The accused, 25 years old, pleaded guilty to a charge of housebreaking with intent to steal and theft and in terms of section 112(1)(b) of the Criminal Procedure Act, 51 of 1977. He admitted to have broken into the complainant's house and stole three cellphones. He was convicted accordingly.

2. The accused was sentenced to 24 months imprisonment, 12 months is suspended for 5 years on condition of no conviction of a similar offence committed during period of suspension.
3. The above condition is "vague" and the condition of suspension is amended to read as per the order above.

J T SALIONGA JUDGE	H C JANUARY JUDGE

CR 8/2019

IN THE HIGH COURT OF NAMIBIA: NORTHERN LOCAL DIVISION
HELD AT OSHAKATI: 21 FEBRUARY 2019
BEFORE THE HONOURABLE MS JUSTICE SALIONGA J
MR JUSTICE JANUAR J

In the matter between:

STATE

v

IITEMBU FRANS **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 amended to read as follows:

   24 months imprisonment of which 12 months are suspended for 5 years on condition the accused is not convicted of housebreaking with intent to steal and theft committed during the period of suspension.

BY ORDER OF COURT

REGISTRAR
/lk

J.T.S