

**REPUBLIC OF NAMIBIA**

NOT REPORTABLE



**HIGH COURT OF NAMIBIA, MAIN DIVISION**

**JUDGMENT**

**CR No: 36/2016**

In the matter between

**(1) THE STATE**

And

**BIANCA KOOPER**

**HIGH COURT MD REVIEW CASE NO 413/2014**

**(2) THE STATE**

And

**HANS TASEB**

**HIGH COURT MD REVIEW CASE NO 414/2015**

**(3) THE STATE**

And

**GERHARD ROOI**

**HIGH COURT MD REVIEW CASE NO 415/2015**

*Neutral citation: State v Kooper (CR 36/2016) [2016] NAHCMD 107 (11 April 2016)*

**CORAM: NDAUENDAPO J et LIEBENBERG J**

**DELIVERED: 11 April 2016**

**Flynote:** Criminal procedure – Review in terms of s 304 (4) of Act 51 of 1977 – Court in sentencing accused pronounced the correct sentences – Records of proceedings reflect incorrect conditions of suspension due to typographical error – Records to be corrected – Proceedings not reviewable.

---

**ORDER**

---

It is ordered that the records of the proceedings be returned to the trial court with the direction to ensure that each record reflects the correct sentence imposed in respect of each of the accused.

---

**JUDGMENT**

---

LIEBENBERG J: (Concurring NDAUENDAPO J)

[1] The above-captioned cases were sent on review in terms of s 304 (4) of the Criminal Procedure Act, 51 of 1977 for reasons that the conditions of suspension, in respect of each case, are reflected incorrectly due to typographical errors made. In the accompanying statement the magistrate concerned explained that in the *ex tempore* judgments the correct conditions of suspension were communicated to each of the accused.

[2] Whereas the accused persons were correctly sentenced (in court) and the incorrect sentences, as reflected on the records of the proceedings, having been brought about by typographical mistakes made during court proceedings, the records should simply have been corrected to reflect the true state of affairs. There is accordingly no need to 'correct' any of the sentences pronounced by the court as they are in accordance with justice. The sentences imposed are neither reviewable.

[3] In the result, it is ordered that the records of the proceedings be returned to the trial court with the direction to ensure that each record reflects the correct sentence imposed in respect of each of the accused.

---

**J C LIEBENBERG**

**JUDGE**

---

**N NDAUENDAPO**  
**JUDGE**