

**'ANNEXURE 11'**

**IN THE HIGH COURT OF NAMIBIA**

<b>Case Title:</b> <i>The State v David William</i>	<b>Case No:</b> CR 14/2020
<b>Heard before:</b> Honourable Ms Justice Usiku Honourable Mr Justice Unengu	<b>Division of Court:</b> Prison Division
<b>Neutral citation:</b> <i>S v William</i> (CR 14/2020) [2020] NAHCMD 93 (13 March 2020)	<b>Delivered on:</b> 13 March 2020
<b>The order:</b>  a) The conviction is in order and is confirmed.  b) The sentence of N\$6000 or 6 months imprisonment imposed by the magistrate is hereby set aside and substituted for the following sentence: a. A fine of N\$2000 or 4 months imprisonment in default of payment.  c) The sentence is antedated to 21 January 2020.	
<b>Reasons for order:</b>	
USIKU J (concurring Unengu AJ)  [1] This matter was submitted for automatic review following the provisions of s 302 of the Criminal Procedure Act 51 of 1977.  [2] The accused was charged, convicted on his own plea of guilty and sentenced to pay a fine of N\$6000 or six months imprisonment for possession of game meat.  [3] Given the fact that the accused person had pleaded guilty and the game meat was fully recovered. I found the sentence not to be in accordance with justice because of its severity and hence for I directed a query to the learned magistrate to explain why she imposed such an excessive sentence under the circumstances.  [4] The magistrate in her response denied that the sentence was too excessive and	

persisted that it was appropriate in such cases of possession of game meat. Further that she had considered the value involved. Her explanation does not fully explain why she imposed a heavy fine of N\$6000 or 6 months imprisonment where all the meat had been recovered and the accused had pleaded guilty to the charge. The accused is a first offender. Therefore the sentence imposed cannot be said to be in accordance with justice. The sentence is substituted with a sentence of a fine of N\$2000 or 4 months imprisonment.

<b>D N USIKU</b> <b>JUDGE</b>	<b>E P UNENGU</b> <b>ACTING JUDGE</b>