

IN THE COURT OF APPEAL OF BOTSWANACOURT OF APPEAL NO. 36 OF 1986CRIMINAL APPEAL NO. 109 OF 1983

In the matter between:

PATRICK MOTHABI

- Appellant

and

THE STATE

The Appellant In Person
Mr. S.A. Afful for the State

J U D G M E N T

CORAM: Mr. Justice I.A. Maisels JP,
Mr. Justice L. Van Winsen JA,
Mr. Justice B.A. Doyle JA,B.A. DOYLE JA

Appellant was convicted of two offences of dishonesty in 1983, and was sentenced to a term of imprisonment. A short time later he was again convicted of twelve more counts forming part of the same series with the first two. The trial magistrate was unaware of this and did not make the sentences concurrent with those for the first two offences. Appellant appealed and Hannah J. remedied his grievance by making the sentences on the twelve offences co-terminous with the original two.

One of the twelve counts was of six years, one year of which was

suspended on condition that certain compensation was paid. It was not paid but the appellant made no reference to this in his appeal to Hannah J.

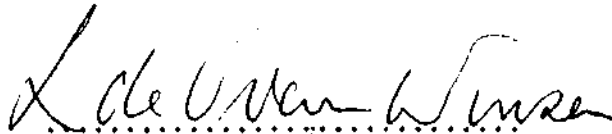
He now at this late stage comes to this Court and asks that the suspension be altered to a different term so that he can, when he leaves prison, earn money to pay the compensation.

The appeal has no merits and is dismissed.

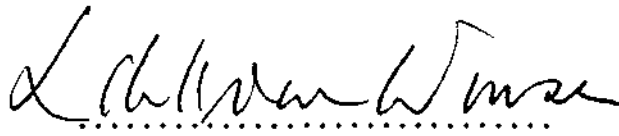


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B. A. Doyle
Judge of Appeal

I agree :


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I. A. Maisels
Judge President

I agree :


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L. Van Winsen
Judge of Appeal

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