

IN THE COURT OF APPEAL OF BOTSWANA

Criminal Appeal No. 40 of 1986

In the matter between:

ISHMAEL MOTLHANKA

Appellant

versus

THE STATE

Respondent

Appellant in person
Miss P. Solomon for the State

J U D G M E N T

CORAM: I. A. MAISELS, JP.
A. N. E. AMISSAH, JA.
B. A. DOYLE, JA.

MAISELS JP.:

The Appellant was convicted in the High Court of murdering his wife. He committed a number of brutal assaults on her as a result of which she died.

He was sentenced to imprisonment for nine years, the learned trial judge having found that there were extenuating circumstances.

The Appellant has not disputed the correctness of his conviction, but he contends that the term of imprisonment of nine years is too severe and as in many other cases reference was made to the undoubted hardship that will be caused to the children of the appellant if he is sent to jail. However, this does not in any way mean that he should not be punished severely for taking the life of a human being. In my opinion he was lucky to have escaped the death penalty. If there be any criticism of the sentence imposed upon him it seems to me that it may possibly err on the side of leniency.

Under these circumstances there is no basis upon which this appeal should succeed and the appeal is dismissed.

GIVEN AT THE COURT OF APPEAL, LOBATSE this 30th day of June, 1987.

I.A. Maisels

.....
I.A. MAISELS
Judge President.

I agree,

A.N.E. Amissh

.....
A. N. E. AMISSAH
Judge of Appeal.

I agree,

B.A. Doyle

.....
B. A. DOYLE
Judge of Appeal.