

IN THE COURT OF APPEAL OF BOTSWANA  
HELD AT LOBATSE

Criminal Appeal No. 27 of 1993  
(High Court Criminal Appeal No. 53 of 1992)

In the matter between:

BILLY MOSEDAME

Applicant

versus

THE STATE

Respondent

Applicant in person

Mr. K. Rammekwa for the Respondent

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R U L I N G

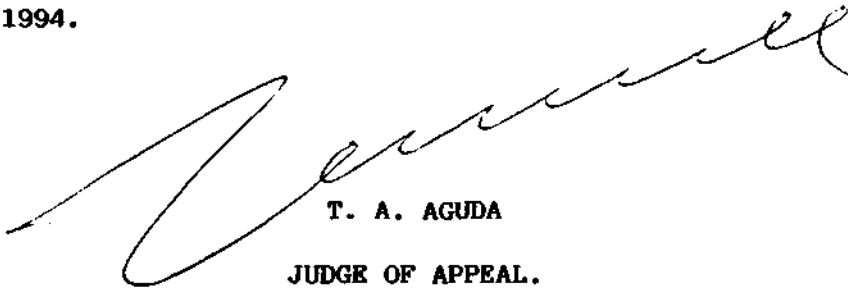
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AGUDA, J. A.:

In this case the applicant and another were convicted of Shopbreaking and Theft of some articles from therein. The applicant was sentenced to three years imprisonment. This was because he had a previous conviction of Office breaking. In sentencing him the learned trial magistrate ordered that the two years sentence suspended from the sentence should he was then serving be re-activated. The second accused was sentenced to 18 months' imprisonment because that was his first conviction for any similar offence.

The appeal of the present applicant to the High Court was dismissed by Barrington-Jones, J., on June 9 1993. He is now seeking leave to appeal to this court against both his conviction and sentence. I have carefully read through the record and listened to his address in extenso. However, I regret that I see no basis both on the facts and in law upon which I can grant leave to appeal to this Court. The application is therefore refused.

GIVEN AT THE COURT OF APPEAL OF BOTSWANA, LOBATSE, this 14th day of  
January, 1994.

A handwritten signature in black ink, appearing to read 'T. A. Aguda', written in a cursive style. The signature is positioned above the printed name and title.

T. A. AGUDA

JUDGE OF APPEAL.