

IN THE COURT OF APPEAL OF BOTSWANA
HELD AT LOBATSE

Criminal Appeal No. 6/95
High Court Criminal Appeal No 19/94

In the matter of:

MOITHEALI TAUTONA Appellant

and

THE STATE Respondent

Appellant in person

Mr. P. Gunda for the Respondent

R U L I N G

Delivered on 30th June, 1995

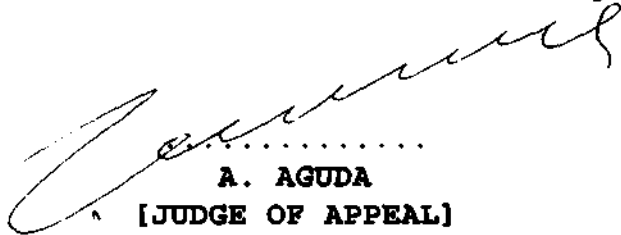
AGUDA J.A.

This is an application for leave to appeal against both conviction and sentence of the appellant. He was convicted on two counts of stealing cattle. On the 3rd count he was convicted of unlawfully branding the same cattle. He was sentenced to 5 years in respect of each of the two counts of stealing. The two sentences were to run concurrently. In respect on the 3rd count he was sentenced to P500.00 fine payable within two years of his release from prison. In default he was to serve a further sentence of two years. His appeal against conviction on the three counts was dismissed by the High Court. The appeal against sentence was also dismissed save that the term of

imprisonment in default of payment of the fine of P500.00 was reduced to one year. The appellant has now sought leave to appeal in respect of both the conviction and sentence.

I have found no merit what so ever as regards convictions. However the sentence as regards the 3rd count must be altered to read "1 year imprisonment to run concurrently with the other sentence."

Delivered in open court at Lobatse this 30th day of June, 1995.



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A. AGUDA
[JUDGE OF APPEAL]