

IN THE COURT OF APPEAL OF BOTSWANA

Criminal Appeal No. 29 of 1995

In the matter between:

ERIC MODISE

Appellant

and

THE STATE

Respondent

RULING

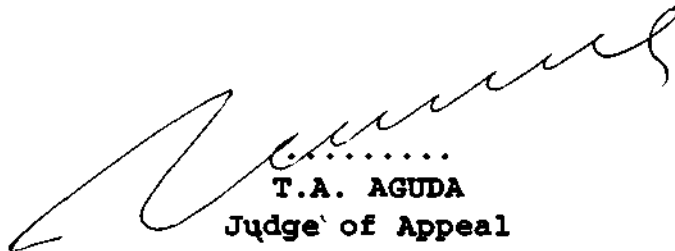
AGUDA, J.A.

This is an application for leave to appeal to this Court from a refusal by the High Court. Originally the applicant was charged before a Magistrate on two counts of Unlawful Wounding and convicted on both counts. I have carefully studied the record and listened patiently to all the arguments proffered by the appellant. I can see nothing wrong in his conviction on both counts and therefore I am clearly of the opinion that the High Court was right in dismissing his appeal against conviction. As to his appeal against sentence, he has not in any way convinced me that the sentences imposed on him are such that this Court may as well reconsider bearing in mind the vicious attacks which he made on the two complainants. I am clearly of the opinion that

he has not the slightest prospect of success if his application was granted in respect of either the conviction or the sentence.

The application is therefore refused.

DELIVERED IN OPEN COURT AT LOBATSE THIS 16TH DAY OF JANUARY, 1996.



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T.A. AGUDA
Judge of Appeal