

**IN THE HIGH COURT OF THE REPUBLIC OF
BOTSWANA HELD AT LOBATSE**

CRIMINAL APPEAL NO. 61/2000

In the matter between:

JAMES PETROS

APPELLANT

Vs

THE STATE

RESPONDENT

**Mr Attorney Maphakwane
Appellant in person**

J U D G M E N T

LESETEDI J.

This is an appeal against sentence. The appellant was jointly charged with another one who is not before this court on a single count of store breaking and theft. He was found guilty on his own plea. The various shop items amounting to P420.00 were recovered. He was sentenced to 4 years imprisonment. The appellant is not a new comer to crime despite his youthful age of 23 years at the time he was arrested. He has admitted to at least two previous convictions of theft and burglary. One was of theft committed in

1994 for which he was fined P30.00 and 4 strokes and he was requested to refund the complainant P30.00. This was followed by the one of burglary and another of theft committed on the 13th January 1995. In the burglary offence he was sentenced to 3 years imprisonment and 2 years for theft. The two sentences were to run concurrently. The appellant does not seem to have learnt from these punishments. He appears intent on making a future out of crime. A deterrent sentence was called for. The sentence imposed by the Magistrate in this matter for a habitual criminal appears to me to be adequate. People who continue committing crime have to be kept in prison for a long period in order to protect the society from them. I therefore find no merit in his grounds of appeal and therefore dismiss the appeal. The sentence imposed by the learned magistrate in the court aquo is confirmed.

**DELIVERED IN OPEN COURT AT LOBATSE ON THE 12
SEPTEMBER 2001.**


**I B K LESETEDI
JUDGE**