

**IN THE HIGH COURT OF SOUTH AFRICA
(ORANGE FREE STATE PROVINCIAL DIVISION)**

Review no. : 485/2007

In the review of:

THE STATE

versus

MICHAEL MOROBE

JUDGMENT:

WRIGHT, J

DELIVERED ON

12 JULIE 2007

[1] The accused was convicted of theft and sentenced to 12 months imprisonment of which half was suspended. The reviewing Judge was not satisfied with the conditions of suspension and suggested another condition as set out in his letter to the magistrate in question.

[2] The magistrate accepted in his reasons the Judge's recommendation. As it is clear that the magistrate cannot amend the sentence at this stage it is necessary for this Court to amend the sentence.

[3] Accordingly the conviction is confirmed but the sentence is amended to read as follows:

Twelve (12) months imprisonment, half of which is suspended for 4 years on condition that the accused is not convicted of housebreaking with the intent to commit an offence or theft committed during the period of suspension. The sentence must be deemed to have been imposed on the 29th of March 2007.

G.F. WRIGHT, J