

THE REPUBLIC OF UGANDA
IN THE CHIEF MAGISTRATES COURT OF KAMPALA AT BUGANDA ROAD
CRIMINAL OFFENCE NO. 0869 OF 2020

UGANDA

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PROSECUTOR

VERSUS

ARIBO JENNIFER

.....

ACCUSED

PROCEEDINGS

18/09/2020

Accused –present.

Liz- clerk

State- absent.

Court: In the absence of state and chief magistrate, matter adjourned to 23/9/2020 for plea. Accused to be remanded to Kigo Prison till 18/9/2020.

Sgd

Stella Maris Amabilis

Senior Magistrate Grade One

18/9/2020

23/09/2020

Accused in court.

Okello interpreter

Akello G. state

Guloba –state

Andrew: Counsel for accused.

Court: Charge read and explained to accused in Lango.

Accused pleads: Not true. Plea of not guilty entered.

Prosecution: inquiries. No complete.

Court: right of bail. Remanded till 7/10/2020 for hearing.

Sgd

Ayo Miriam E. Okello

Chief Magistrate

7/10/2020

Accused in court.

Guloba: state

Mbazira: Counsel for accused.

Elizabeth –court clerk.

Prosecution: One witness in court.

We don't have the police file. The file is still with DPP.

Court: Hearing adjourned to 28/10/2020. Accused further remanded.

Sgd

Ayo Miriam E. Okello

Chief Magistrate

28/10/2020

Accused –absent.

Liz-clerk

Sheila: UWA

No witnesses. I pray for production warrant.

Court: Production warrant to issue to accused for 18/11/20

Sgd

Ayo Miriam E. Okello

Chief Magistrate

25/11/2020

Accused in court.

Gladys Akello –state

Guloba – state

Andrew: Counsel for accused.

Liz –court clerk.

Susan-court

Prosecution: No witnesses in court.

Counsel for Accused: Accused has been on remand now. I pray for last adjournment to avail witnesses.

Accused: I pray for forgiveness.

Court: Charge read and explained to accused once again in large.

Accused pleads: Its true. I had them.

Court: Plea of guilty entered.

Brief facts: On 14/9/2020 at 3 pm at Alaka Kamdini –Oyam District. The accused was arrested with Hippo teeth in a polythene sack without a wildlife licence. She was arrested by Egac and taken to Kamdini police together with the exhibits. She was later brought to Kampala and charged accordingly. The teeth was examined by the expert and confirmed it was the teeth of the protected species.

I pray to tender the exhibits.

Counsel for Accused: No objection.

Court: 83 pieces of Hippo teeth P.Exhibit 1.

- Exhibit slip dated 12/9/2020 P-Exhibit 2.
- Expert report dated 16/09/2020 P.Exbit 3.

Accused: Facts are correct.

Court: Accused is convicted on his own plea of guilty.

Reasons: Accused is a first offender who had hippo teeth, many hippos have lost lives. I pray court deters the offender. The population of the hippo is going down and eventually extinct. The revenue collection will get down. The convict must learn and the would be offender can learn. I pray for custodial sentence. I pray for an order handing over the exhibits to Executive Director UWA.

Mitigation: The convict is a first offender. She has been on remand for 3 months. The convict is a mother of 4 children and sole bread winner. The convict did not kill the hippo. She collected the hippo teeth from the decomposing ones. She prays for non –custodial sentence.

Sentence: Accused is a first offender. She has admitted the charge. State has prayed for a deterrent sentence while counsel for accused in mitigation prayed for leniency. There was no proof that the convict killed. The hippos but many have lost life. This must be discourage. As a mother the convict must think of other options and refrain from such acts.

I have considered the three months on remand and the fact that she collected the hippo teeth. She did not kill them. I therefore find a sentence of 5 years imprisonment appropriate in the alternative the convict pays 3,000,000/= as a fine.

Sgd

Ayo Miriam E. Okello
Chief Magistrate

Order: Let the 83 pieces of the Hippo teeth be handed over to the Executive Director of UWA for further management.

Sgd *MOkello*

Ayo Miriam E. Okello
Chief Magistrate

Right of appeal explained.

Sgd *MOkello*

Ayo Miriam E. Okello
Chief Magistrate

09/12/2020