



Micheal –clerk

Mariam –State

No witnesses.

Court: In the absence of the Trial Magistrate and witnesses adjourned to 18/12/2019 for hearing. Accused further remanded. Witness summons to issue.

**Sgd**

**Stella Maris Amabilis**

**Senior Magistrate Grade One**

**11/12/2019**

18/12/2019

Accused in court.

Mbazira: Counsel for Accused.

Gladys –state

Micheal –court clerk

Prosecution: No police file.

Counsel for Accused: Have instruction to apply for bail.

Court: Accused further remanded till 7/1/2020.

**Sgd**

**Ayo Miriam E. Okello**

**Chief Magistrate**

7/1/2020

Accused present

Gladys for state

Micheal for court clerk.

Counsel for Accused absent.

Prosecution: No witness.

I seek adjournment.

Court: let accused bail and hearing be conducted on 22/1/2020. Accused further remanded.

**Sgd**

**Ayo Miriam E. Okello**

**Chief Magistrate**

22/01/2020

Accused in court

Gladys for state

Micheal –court clerk

State: We seek an adjournment. The chief Magistrate is indisposed.

Court: Case fixed for 29/01/2020.

**Sgd**

**Bagyenyi Dorothy**

**Magistrate Grade One**

**22/01/2020**

29/01/2020

Ms Ninsiima for state

Mr. Andrew for accused.

Also in court

Micheal in court.

Prosecution: We can adjourn to 12/02/2020.

Court: Adjourned to 12/2/2020.

Sgd

Magistrate Grade One

29/01/2020

12/2/2020

Accused in court.

Doreen Ninsiima state

Mbazira – Counsel for accused

Micheal –Court clerk.

Prosecution: One witness in court.

**PW1: Catholic sworn**

Martin Nangugu aged 36 years. Resident of Kinyoro zone –Mbale District NRC contact person Western Region (Natural Resource Conservation Network).

I know the accused before Court. I got information the accused was selling ivory at his home at Kumi Road. This was last year. I informed some police officer from Mbale AIP & Sgt Akomio and others. We surrounded his home, we found accused with Wadika & Walter. Accused jumped behind the roof and took off. We arrested Wadiga and accused was arrested later. Accused was arrested from Busamaga –Mbale District. Arresting accused was difficult because he threatened to cut a police officer who wanted to arrest him. I found 2 big pieces of elephant tusk. They had cut them into two pieces. The ivory was taken to police and exhibited.

**Court:** 2 pieces of ivory is admitted for identification, marked. PGID 1 and 2.

**Sgd**

**Ayo Miriam E. Okello**

**Chief Magistrate**

I knew accused before. He was arrested and convicted with the same offence of trading in ivory.

**Counsel for accused:**

- I don't remember the year when he was convicted.
- Wadika was given a police bond.
- Accused never took accused photo because he ran away.
- The reference is on the file.
- I arrested accused with the ivory.

Re-examination: Nil

State: I pray for adjournment.

State: The documents were authentic. The circumstances through which accused was arrested were hard. Accused caused so much trouble until he was arrested. I object to this bail application. We believe that once he is set free it will be hard to produce the accused.

**Counsel for Accused:**

Bail is a constitutional right. Offence is bailable. The sureties are substantial. I pray court grants him bail.

Court: Accused has his constitutional right to apply for bail but grant of it remains the discretion of court. I have read the submission of state and the defence. I have looked at the ivory identified and state made an

effort to arrest and he is released on bond may be a problem getting him back. The hearing has taken off I will give state opportunity to produce all their witnesses before court consider the same.

Bail denied. Accused further remanded. Dated 19/2/2020.

**Sgd**

**Ayo Miriam E. Okello**

**Chief Magistrate**

19/2/2020

Accused in court.

Akello for state

Micheal –court clerk.

Andrew –Counsel for Accused.

**Prosecution:** No witness. I pray for adjournment till 26/2/2020.

**Accused:** Accused has been in custody since 2019.

**Court:** Accused further remanded till 26/2/2020.

**Sgd**

**Ayo Miriam E. Okello**

**Chief Magistrate**

26/2/2020

Accused in court.

Mariam for state

Andrew –counsel for accused

Micheal –court clerk.

**Prosecution: Christian sworn**

PW1: D/CP Oundo Denis 37 years. Resident of Mbale Police. I know the accused person. Accused was arrested dealing in wildlife. Accused upon seeing us threw the bag and ran away. Our informant told us the ivory belonged to accused. I handed accused to the counter. Accused was arrested after 2 months in Wanale Division.

Counsel for Accused: The time of operation was 11:00am. I had not seen accused before he had no hood on the head. Accused ran on the opposite side.

I saw accused when crossing the road, climbing the wall.

**PWII: Moslem affirmed.**

No. 18869 D/Sgt Nambulawe Modet 54 years. Resident of Mbale Police. I know accused. It was last year while at the counter. D.C Oundo and another brought a suspect with 2 pieces of ivory and handed them over to me. I recorded Wadika statement. He stated the exhibits were for Wadika. I market the exhibits M/N. Witness has identified the ivory.

**Cross examination:** I knew the accused when he was arrested.

Court: Accused further remanded till 4/3/2020.

**Sgd**

**Ayo Miriam E. Okello**

**Chief Magistrate**

4/3/2020

Accused in court.

Moreen -state

Andrew -Criminal summons for accused

Micheal –court clerk.

Prosecution: 2 witness

**PW1: Protestant sworn**

D/AIP Mafabi Robert 54 years.

Resident of Mbale attached to Elgon Region. He got information that accused was on the playground. He went to arrest him but he ran away. Ivory was recovered and I exhibited it. I marked it E/5/853/19. There were 2 pieces of ivory.

**Court:** 2 pieces of Ivory admitted marked P.E1 and the slip marked P.E2.

Counsel of Accused: They brought the first person who came with the ivory was another person who said the owner ran away. I interviewed that person.

Re-examination: Nil

**PW2: Christian sworn**

NO.24655 D/Sg. Echuru Stephen, 54 years. Resident of Nsambya attached to CPS Kampala in Nov.2019. Accused was brought from Mbale. Investigated the matter. I found that Accused had past record in court and convicted with the same offence in 2017. CRB Mbale 1080/17 Co. 560/2017 sentenced to 2 years. Accused served the sentence. The Ivory was examined.

Court: Accused till 18/3/2020 for hearing.

**Sgd**

**Ayo Miriam E. Okello**  
**Chief Magistrate**

18/03/2020

Ms Winnie on brief for state

Mr. Andrew for accused.

Accused absent.

Edith –court clerk.

Court: Adjourned to 25/03/2020.

**Sgd**  
**Chief Magistrate**  
**18/03/2020**

29/7/2020

Accused in court.

Goloba –state

Andrew –counsel for Accused.

Elizabeth –court clerk.

Prosecution: No police file

Counsel for accused: Accused intends to change his plea.

Court: Let the charge read and explained to accused on 5/08/2020.

Accused further remanded.

**Sgd**  
**Ayo Miriam E. Okello**  
**Chief Magistrate**  
**29/07/2020**

5/8/2020

Accused in court.

Maureen –state Uganda Wildlife Authority.

Andrew –counsel for accused.

Elizabeth –clerk

Court: Charge read and explained to accused in Luganda.

Accused pleads: I admit the charge.

Court: Plea of guilty entered.

**Brief facts on 20/09/2019.**

Accused was found in possession of 2 pieces of ivory weighing 28.8 kg without a wildlife use right this was at plot 20 Kumi Road Mbale District. Accused was arrested by police officers taken to Mbale and transferred to Kampala CPS. Accused was charged accordingly. The ivory was exhibited in Court.

Court: The expert report dated 24/9/2019 admitted marked as P.EIII.

**Sgd**

**Ayo Miriam E. Okello**

**Chief Magistrate**

**Accused:** Facts are correct.

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

**Record:** Accused is a repeat offender. He was convicted in 2017. Criminal case NO. 580/2017. He was sentenced to pay 3,000,000/= or 3 years. It's clear that the convict has been dealing in the business for a long time. This effect has reduced the number of elephant in the wild. He was found with 2 elephant tusks. I pray accused is sentenced to a custodial sentence so that he can feel the pinch he is exerting to the tourist sector. I pray for an order that the 2 pieces of ivory are handed over to the E.D UWA.

**Mitigation:** The accused has been remand. This has been educative for him. He has been drawn to God. He is a sole bread winner to a family of 11. He lost his wife during the remand period. He prays for leniency and none-custodial sentence to enable him look after his children.

**Court:** Accused is not a first offender with a criminal record. He realized his mistake and pleaded guilty. Accused acts of engaging in such unlawful act has caused a great lost to the sector. Accused did not learn from his first mistake.

I have heard the prayers of the convict and that the state. As court we do not condon such acts. Accused must refrain. As unfortunate the he lost his wife during the time he has been on remand. There is need for him to go and look after his family. The offence carries life imprisonment or a fine of 200,000,000/=.

In the premises therefore I sentence him to 6 years imprisonment or pay a fine of 6,000,000/=.

**Sgd**

**Ayo Miriam E. Okello**

**Chief Magistrate**

Court: Let the two pieces of ivory be handed over to UWA.

**Sgd**

**Ayo Miriam E. Okello**

**Chief Magistrate**

**05/08/2020**