

Susan –interpreter.

Prosecution: Its for hearing. No interpretation.

Court: Accused further remanded till 23/12/2020 for hearing.

Sgd

Ayo Miriam E.Okello

Chief Magistrate

23/12/2020

Accused in court

Guloba –state

Andrew: Counsel for accused.

Liz –court clerk.

Prosecution: No witness.

Court: Accused further remanded till 20/1/2021 for hearing.

Sgd

Ayo Miriam E.Okello

Chief Magistrate

20/1/2021

Accused in court.

Akello –state

Andrew: Counsel for accused.

Liz: court clerk.

Prosecution: No witnesses in court.

Court: Accused further remanded till 3/2/2021.

Sgd

Ayo Miriam E.Okello

Chief Magistrate

3/2/2021

Accused absent.

Gulubo –state

Mbazira: Counsel for accused

Liz: court clerk

Prosecution: Two witnesses in court.

I pray for adjournment.

Court: Production Warrant issued for 10/2/2021.

Sgd

Ayo Miriam E.Okello

Chief Magistrate

10/2/2021

Accused in court.

Guloba –state

Andrew: Counsel for accused.

Pamela: Court clerk.

Counsel for accused: My client intends to change plea.

Accused: its true. I want to change plea.

Court: Charges read and explained to accused in luu.

Accused pleads: Its true. I had the ivory.

Court: Plea of guilty entered.

Brief facts: on 12/11/2020 at a young village, the deceased was found in possession of 2 pieces of ivory. He was intending to sell. Accused was arrested by a team of security officer.

D/AIP Engrance Godfrey. Accused had used a motorcycle to transport his ivory UEX 317P. The accused and the exhibits were taken to CID officer. Kibuli and consequently charged accordingly. The 2 pieces of ivory were concealed in a sugar cane and put in a white sack. The ivory was examined by an expert of UWA who confirmed. These were ivory belonging to an elephant. I pray the ivory be exhibited in court.

Counsel for Accused: No objection to the ivory and the one for the motor cycle. It should be tendered in with the motorcycle.

Court: The two pieces of ivory together with the exhibit slip dated 14/11/2020 is admitted marked as P.EXh.1.

Expert report dated 17/11/2020 which marked P.EXh.II

Exhibit slip dated 20/11/2020 where the motor cycle, exhibited is admitted for identification and marked PID1.

Sgd

Ayo Miriam E.Okello

Chief Magistrate

Accused: Facts are correct.

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

Reasons: No past record. Case of this nature are rampant. The offence was committed near Murchison

Park. It has the biggest number of elephants. Uganda has only 5,000 elephant. They are key in tourism. It's the leading contributor of tourism exchange. The concordant was all done at dodging the law enforcement officer. I pray court considers the eye of the elephant.

It takes time and money to raise an elephant to such years. I suggest 5 years imprisonment. I so pray.

Mitigation: Counsel for accused: The convict is a first offender. He is remorseful. He has promised not to repeat. The convicted was a middle man. He wanted a commission. Court should consider the period spent on remand.

Sentence: The convict is a first offender who realized his mistake and pleaded guilty. The convict is a young man who is capable of engaging in gainful business rather than involving himself into quick money.

A mature elephant has been killed and this is a great loss to our country and the economy. I have heard the submission of the state and the defence and I have also considered the true. The convict has spent on remand. As a first offender court will give him a chance and sentence him to 5 years imprisonment or pays a fine of 3,000,000/=.

Sgd

Ayo Miriam E. Okello

Chief Magistrate

3/2/2021

Court: Let the 2 pieces of ivory be handed over to the Executive Director, UWA for further management.

Sgd

Ayo Miriam E. Okello

Chief Magistrate

3/2/2021

At 4pm

Parties in court.

Guloba & Akello –state

Counsel Andrew –for accused.

Prosecution: The motor cycle UEX 317P. We apply to have the motor cycle tendered in court as Exhibit.

Counsel for accused: No objection.

Court: Motor cycle No. UEX 317P admitted as PEXh.3.

Sgd

Ayo Miriam E.Okello

Chief Magistrate

3/2/2021

14/4/2021

Applicant in court.

Andrew: Counsel for applicant.

Guloba & Akello – Respondent.

Elizabeth –court clerk.

Counsel for applicant: When the applicant bought the motor cycle. Annexure 'C' we can't trace Otto and the original registered person on the log book. The applicant has a licence in the motor cycle.

He was using the weekly resource from the motor cycle to service the loan. I pray for finds him the suitable person and return the motor cycle to him.

Report: our point of contention is in registration of the motor cycle. The Applicant provided the sales agreement in the names of the Otto Ronald. The original copy was written in the language I don't understand. Basing on Section 75(1) UWA. We pray for forfeiture of the said motor cycle since Okema has not shown up to claim the same.

We so pray.

Rejoinder: The respondent has not read the agreement. The current buyer has an equitable interest. Section 75 (1) the respondent is referring to implies there is no trial. But in the case the accused has trial. We pray court overrules the submission.

Court: Ruling on 16/4/2021.

Sgd

Ayo Miriam E.Okello

Chief Magistrate

3/2/2021

Ruling

Matter is coming up for a ruling on whether or not the motor cycle. Reg. No. UEX 317P should be returned to the applicant or not. The applicant contend that he bought the motor cycle from Otto Ronald and that Otto had bought the same for Mr. Okema David who had not transferred the same to Okema David. The applicant after purchasing the motor cycle hired it out to accused. Accused was convicted hence the application from return of the motorcycle. The applicant in his detailed affidavit stated amongst others that he had not consented to accused to use his motor cycle for illegal business. He prayed for the release of the motor cycle and to be handed to him. In reply the respondent contend the applicant is not the registered owner of the motorcycle and the agreement is written in the language he does not understand. He prayed that the motorcycle be forfeited to Executive Director, UWA basing on Section 759(1).

I have read the application and the affidavit of the applicant. I have also considered the accused response of the respondent.

Section 75 (1) talks of seized goods in the matter before court. The motor cycle seized belongs to the applicant as per the sale agreement. He has shown up that the motor cycle belongs to him and the convict was just a leader. The applicant has proved that he bought the motor cycle but has not transferred the same into his name. This I find common in my transaction where the purchaser forgot to transfer motor cycle into their name but the agreement is valid and he cannot lose his motor cycle for the failure.

Alomic own

The convict went on a ~~flock~~ of his ~~own~~ without the applicant's knowledge. Going by section 75 (1) the person responsible for the motor cycle shown up and he explained how the motor cycle got to court. I am satisfied with his explanation hereby grant the application with orders that motor cycle No.UEX 317P be handed over to the applicant. He is also directed to have it registered in his names.

Sgd *M Okello*

Ayo Miriam E.Okello

Chief Magistrate

16/4/2021

16/4/2021

Applicant in court.

Guloba for respondent.

Andrew: Counsel for accused

Elizabeth -court clerk.

Court: Ruling read in court.

Sgd *M Okello*

Ayo Miriam E.Okello

Chief Magistrate

16/4/2021