

THE REPUBLIC OF UGANDA

IN THE CHIEF MAGISTRATE'S COURT OF KAMPALA AT BUGANDA ROAD

KLA-00-CR-CO-0897-2020

CPS -CRB -1141-2020

UGANDA	PROSECUTION
	VERSUS	
OTEBA JAMES	ACCUSED

PROCEEDINGS

24/9/2020

Accused in court.

Winnie –state

Turyamusiima Geoffrey for accused.

Irene –court clerk

Court: Charge read and explained to accused in English.

Accused pleads: Not true.

Court: Plea of not guilty entered.

Prosecution: Inquiries complete.

Counsel for Accused: I have instruction to represent accused and apply for bail.

Sureties: Ojwai John, 33 years. Resident of Kireka, Kira, Municipality. Brother to accused.

Clearing agent. Nakawa -0703 497268

2nd surety: Okiror Charles, 52 years, resident of Kireka, Kira Division. Uncle to Accused. A cook 4 Well Springs, Bweyogerere.

0772 0723020

3rd surety: Amoit Peter, 29 years. Resident of Mukono –Ngomu. Brother to accused farmer, casual labourer.

0780 537461.

Accused has been in detention in Old Kampala for the last 6 years. I pray he is released on bail.

Prosecution: No objection.

Court: Offence is bailable and that the sureties substantial. No objection has been raised. Accused is therefore granted cash bail of Shs 1,000,000/= and each surety bonded into Shs. 10,000,000/= not cash. Hearing fixed for 28/10/2020.

Sgd

Ayo Miriam E. Okello

Chief Magistrate

28/10/2020

Accused present.

Liz –clerk

Sheila –UWA

No witnesses.

Court: In absence of Chief Magistrate and witnesses adjourned to 25/11/2020 for hearing. Bail extended till there witness summons to issue.

Sgd

**Stella Maris Amabilis
Magistrate Grade One
28/10/2020**

3/11/2020

Accused absent.

Winnie –state

Mbazira: Counsel for accused

Abubaker –court clerk.

Prosecution: I pray for criminal summons.

Court: Criminal Summon issued, hearing on 16/12/2020.

Sgd

**Ayo Miriam E. Okello
Chief Magistrate**

16/12/2020

Accused present.

Winnie –state

Liz –court

Prosecution: No witnesses.

Court: Accused bail extended to 27/1/2021

Sgd

**Ayo Miriam E. Okello
Chief Magistrate**

27/1/2021

Accused in court.

Andrew –Counsel for accused

Akello –state

Liz – court clerk.

Prosecution: No witnesses.

Court: Bail extended to 24/2/2021 for hearing.

Sgd

Ayo Miriam E. Okello

Chief Magistrate

24/2/2021

Accused in court.

Andrew : counsel for accused

Winnie –state

Liz –court clerk.

Prosecution: One witness in court

PW1: Christian sworn

Adonia Muramuzi, 36 years attached to Old Kampala Police Station. I know the accused person on 17/9/2020. I am informed called my senior that some ivory was being sold in Kampala Road. The informed led us to the place. Accused and another came holding a black bag, he arrested him, he searched the bag and found ivory in his bag.

Accused told us he was given ivory by a friend who died. I exhibited the ivory pending identification by the expert. I marked the ivory I, IV and II.

I signed on the exhibit slip and pull my name.

Court: Exhibit slip dated 17/9/2020 admitted marked P.Exh1.

3 pieces of ivory and a black bag admitted and marked P.ID1.

Sgd

Ayo Miriam E. Okello

Chief Magistrate

Counsel for accused: Accused attempted to ran away that he got the ivory from the friend who died.

Court: Hearing adjourned to 17/3/2021.

Bail extended.

Sgd

Ayo Miriam E. Okello

Chief Magistrate

17/3/2021

Acused in court.

Andrew: counsel for accused.

Winnie –state

Liz –court clerk.

Counsel for accused; Accused wishes to change plea.

Court: Charge read and explained to accused in English.

Accused pleads: Its true. Plea of guilty entered.

Brief facts: on 17/09/2020 at Old Kampala Road. Accused was arrested.

Accused found with Ivory in a black bag. He was taken to police and the ivory was exhibited and examined. The ivory is in court with the slip. 3 pieces of ivory tendered in court.

Counsel for Accused: No objection.

3 small pieces of ivory admitted and marked P.G II.

Report dated 21/9/2020 marked P.GII.

Accused: Facts are correct.

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

Prosecution; No previous record.

This offence is rampant. The exhibit involved is an elephant tusk.

I pray for reformatory sentence and an order to hand over the exhibit.

Mitigation: The convict pleaded guilty and did not waste court's time. He is remorseful.

He prays for lenient sentence.

Sentence: Accused is a first offender. He is remorseful. He prayed for leniency and state has prayed for a reformatory sentence. The convict being as first offender will be given a sentence. They will help him reform.

Sentence to 2 years imprisonment or pray a fine of 1,000,000/=

Sgd *M Okello*

Ayo Miriam E. Okello

Chief Magistrate

Court: Let the ivory 3 pieces be handed over to Executive Director, UWA for further management.

Sgd *M Okello*

Ayo Miriam E. Okello

Chief Magistrate

17/03/2021