

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

Prosecution: Inquiries no complete.

Court: Right of bail explained. Remanded till 26/2/2020.

Sgd

Ayo Miriam E. Okello

Chief Magistrate

26/2/2020

Accused in court.

Gladys –state

Andrew –counsel for accused.

Susan –interpreter

PW1: Moslem affirmed

No UWA 01764 Sgt Mufundo Abdallah aged 37 years working with UWA as an opinion wildlife expert. Based on the investigation unit

- Certificate in wildlife unit.
- Certificate in wildlife management.
- Certificate in detecting illegal species.
- Certificate in rhino monitoring and behavior
- Certificate in competency in wildlife scene investigation.

I don't know the accused.

On 2nd February, 2020 I examined the species at CPS, Kampala. D/C Okello forwarded the specimen for examination. They were 2 tusks of African elephant. I marked them and identified them as elephant ivory. I took the photos and submitted the report. There are 5 protected species. The elephant ivory is large. Portray unique characters. Its hollow its gum line, teeth (husk), in cut pieces. The inquiries can be seen. I marked the elephant tusk. M.K and weight of the tusk.

The 1st ivory was 18.68 kgs.

2nd ivory weight 18.5kgs

I took the photo

And a report on 2/2/2020

I signed and stamps.

Prosecution: I pray for tender the report and ivory.

Court: The expert report dated 3/2/2020 admitted and marked P.EXh.1.

The 2 pieces of ivory marked P.ID I & II.

Sgd

Ayo Miriam E. Okello

Chief Magistrate

Cross examination: Nill

PWII: Protestant sworn

UWA/01658 Moses Sikuku Assistant Warden, aged 43 years, wildlife investigator, attached to Wildlife Crime Unit. I knew the accused. I arrested him with ivory on 31/1/2020 in Parombo –Pakwach District. I got information the accused was selling ivory. I was told it is in Ponyimur. I travelled with a team for Kampala to Pakwach at Parombo. The police officers were from Pakwach. Accused had informed us where he was. He met the accused. Accused demanded money from me to buy the ivory. Accused led to where the ivory was. I was using a motor cycle.

The ivory was wrapped in a dry gross I told him to go and pick the money. Accused was then arrested and brought to Pakwach, CPS.

There were 2 ivory pieces of ivory. I handed the ivory to police at Pakwach.

Witness identified the 2 pieces of ivory.

Counsel for accused: I was using Kiswahili to communicate.

- There were 3 people.

- Accused was the one I dealt with.
- The 2nd time accused was alone.

Prosecution: I seek adjournment.

Court: Accused further remanded to 18/3/2020 for hearing.

Sgd

Ayo Miriam E. Okello

Chief Magistrate

18/03/2020

Court: Accused further remanded till 1/4/2020.

Sgd

Asuman Muhumuza

Magistrate Grade one

18/03/2020

26/8/2020

Accused in court.

Akello –state

Andrew –Counsel for accused.

Liz –court clerk.

Prosecution: No witness.

Court: Accused cannot hear English. Remanded till 9/9/2020 for hearing.

Sgd

Ayo Miriam E. Okello

Chief Magistrate

26/8/2020

9/9/2020

Accused present.

Gladys Akello and Silver Kuloba for state

Counsel Andrew – state brief present.

Liz –Clerk

State: Matter was for hearing and plea bargain in absence of Chief Magistrate. We pray for adjournment.

Court: In absence of Chief magistrate who is indisposed. Adjourned to 23/9/2020 for hearing. Accused further remanded. Witness summons to issue.

Sgd

Magistrate Grade One

23/9/2020

Accused absent.

Guloba –state

Andrew –counsel for accused

Liz –court clerk

Prosecution: Accused intimated he wanted to change plea.

Court: production warrant issued for 30/9/2020.

Sgd

Ayo Miriam E. Okello

Chief Magistrate

30/09/2020

Accused in court.

Akello –state

Mbazira –counsel for accused

Liz –court clerk

Accused: I want to change my plea.

Court: Charge read and explained to accused in alur.

Accused pleads: Its true I had the ivory.

Court: Plea of guilty entered.

Brief facts: On 31/1/2020 at Tetoo village, Nebbi, CPL Odongo Lewie and others arrested accused with ivory. He was taken to Nebbi and ivory was weighed at 31.34kgs. He is then charged accordingly. The ivory is in court. The expert report is in court. The ivory was exhibited.

Court: Exhibit slip dated 1/2/2020 and marked P.G.III.

The 3 photos of accused and the ivory covered is admitted and marked P.G.IV.

Sgd

Ayo Miriam E. Okello

Chief Magistrate

Accused had no valid wildlife license.

Accused: Facts are correct.

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

Sgd

Ayo Miriam E. Okello

Chief Magistrate

Reasons: Accused is a first offender who has saved court's time. The offence is rampant in nature. Nebbi is within the conservation area. Considering the exhibit involved. There is need to help the convict reform. The accused bought the ivory. He knew the purpose of the same. We have bargain and agreed on 10 months. I pray the ivory be handed over to the Executive, UWA.

Mitigation: The convict is a first offender. He has saved time. He is 60 years with children.

We pray court find accused not the ~~Poacher~~ we have agreed on 10 months.

Sentence:

Accused is a first offender who realized his mistake and changed his plea. He has spent 10 months on remand. They have freely bargained. The exhibit involved is of a mature elephant and I therefore sentence him to 10 months imprisonment after considering time spent on remand.

Sgd *M Okello*

Ayo Miriam E. Okello

Chief Magistrate

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

Sgd *M Okello*

Ayo Miriam E. Okello

Chief Magistrate

30/09/2020