

5 **THE REPUBLIC OF UGANDA**

**IN THE COURT OF APPEAL OF UGANDA HOLDEN AT KAMPALA**

*(Coram: Cheborion Barishaki, Hellen Obura, Eva K. Luswata, JJA)*

**CRIMINAL APPEAL NO. 313 OF 2019**

**BETWEEN**

10 **TURINAWA ALEX aka KAKIGA:..... APPELLANT**

**VERSUS**

**UGANDA:..... RESPONDENT**

**(Appeal from the Judgment of Hon. Mr. Justice Emmanuel  
Baguma, sitting at Mpigi High Court in Criminal Session  
15 Case No. 057 of 2018, delivered on the 2<sup>nd</sup> day of November  
2018)**

**JUDGMENT OF THE COURT**

**Introduction**

20 1] This appeal is arising from the judgment of the High Court in  
which the appellant was sentenced to 16 years, 8 months and 4  
days' imprisonment on his own plea of guilty for the offence of  
murder contrary to Section 188 and 189 of the Penal Code Act. It  
was stated in the indictment that on the 8<sup>th</sup> day of June, 2017 at  
25 Nkokonjeru 'A' Zone, Kyengera in Wakiso District, the appellant  
with malice aforethought, unlawfully killed Akankwasa Generous  
alias Musimenta.



ELK

5 2] Before his trial could commence on 11/2010, the appellant  
negotiated his sentence and entered into a plea bargain agreement  
where he agreed to a prison term of 18 years. We note that  
following the recording of his plea, the prosecutor did not submit  
the facts of the case. All she stated was that the brief facts are on  
10 page 10 of the plea bargain agreement. However, in paragraph 3  
of page 10 of the plea bargain agreement, the summary of the  
case/agreed facts are said to be “. . . as per the indictment”. Our  
only fallback position from which we were able to gather the  
following brief facts, is the summary of the case filed by the  
15 prosecution in 2018.

3] It was stated that the appellant and his wife Akankwasa Generous  
alias Musimenta (now the deceased), resided together in  
Nkokonjeru 'A' Zone, Kyengera in Wakiso District. That during  
May 2017, the appellant stole Matooke from an abattoir and the  
20 deceased blamed him for it, and as a result, the appellant begun  
to threaten to kill her. On 8/6/2017 both the appellant and  
deceased returned to their home. During the same night, the  
deceased made a phone call to her sister and informed her that  
she wanted to report the appellant to police for beating her. That  
25 night the appellant's neighbour heard the deceased groaning in  
their house like she was being strangled, although he feared to get  
out of his own house. The next day on 9/6/2017, the appellant's  
neighbours saw his house locked from inside with a padlock and

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