

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT NAKAWA

CRIMINAL SESSION CASE NO. 33 OF 2014

UGANDA ::

PROSECUTION

VERSUS

NAKAYITA RESTY::

ACCUSED

Before: HON. JUSTICE MR. WILSON MASALU MUSENE

SENTENCE AND REASON

The Convict, Nakayita Resty Committed a very serious and grave offence and in a brutal and cruel manner. She caused the death of Namusoke Mbabazi, a young girl aged only 10 years. I have considered the mitigating factors by M/S Sylvia Namaweje notably that the Convict is a first offender who readily pleaded guilty and is remorseful. She is also said to have two children and other dependants, including a young child born while she was in Prison custody.

All those are valid grounds/reasons which call for mercy and passing of a lesser term of imprisonment. But on the other hand

is what M/S Samali Wakooli, the Senior Resident State Attorney has stated. The Convict killed an innocent young girl aged only 10 years. She was a vulnerable orphan who had lost both her parents and her only hope of survival was the Convict, an aunt. Instead, the Convict brutally and in uncalled for manner assaulted her to death. Indeed she died too early. And as Counsel for the State further submitted, no one has a right to take away one's life in such a high handed manner. So much as the Convict has a young child who will suffer innocently in prison till some guardian or relative takes up custody or Humanitarian N.G.O, the hands of the Court are tied. The Convict cannot be let off escort free. In fact the murder of the child in question called for the maximum penalty of death or imprisonment for life as submitted by the State.

However, in view of the mitigating factors and the circumstances of the offence, I do hereby sentence the Convict to serve 15 years imprisonment.

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W. M. MUSENE
JUDGE

11/04/2014

Convict present.

M/S Samali Wakooli for State.

M/S Slyvia Namaweje for Convict absent.

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W. M. MUSENE

JUDGE

Court: Sentence and reason read out in open Court