

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT KAMPALA

**HIGH COURT CRIMINAL SESSION CASE NO.177 OF 2014 (arising from HCT –
Crim. No. 41 of 2003)**

**UGANDA :::PROSECUTIO
N**

VERSUS

KAGWA

JACKSON :::CONVICT

RULING BY HON. MR. JUSTICE JOSEPH MURANGIRA

1. Introduction

1.1 The prosecution is represented by Ms. Nalwanga Sherifa, State Attorney. Whereas the convict is represented by Mr. Senkezi Stephen from Senkezi, Saali & Co. Advocates.

1.2 This matter was placed before me for mitigation and re-sentencing in compliance with the case of Attorney General –vs- Susan Kigula & 417 others, constitutional Petition Appeal No. 3 of 2006. It should be noted that the trial Justice was Hon. Mr. Justice Lameck N. Mukasa. The convict was tried, convicted and sentenced to death by the aforestated Judge. This file was remitted to the High Court by the Supreme of Court of Uganda for the applicant to make submissions for mitigation on the sentence. Both Counsel for the parties addressed Court on mitigation for the sentence.

2. Sentencing the convict

In sentencing the convict the following factors have been considered:-

- 1) All the submissions on the sentence by both Counsel for the parties.
- 2) The convict was found guilty by the trial Court of murder which is a serious offence and it carries a maximum sentence of death.
- 3) From the mitigating factors adduced by Counsel for the state, it is clear that the convict planned to murder the deceased and all his actions during the killing of the deceased very well fit in the aggravating factors in paragraph 20 of the Sentencing Guidelines, legal notice No.8 of 2013. The convict deserved a death sentence.
- 4) The convict is a first offender.
- 5) I have considered also the prison's report, social inquiring report and the pre-sentence report in connection with the convict, and I have no doubt that the convict has the capacity to reform.
- 6) The convict spent about 3 years on remand before conviction, which period I have taken into account in passing the sentence against the convict.

In the result, I would have sentenced the convict to 40 (forty) years imprisonment, but I do deduct the three (3) years the convict spent on remand. I therefore, sentence the convict to 37 (thirty seven) years imprisonment from the date of conviction.

Dated at Kampala this 16th day of July, 2014.

.....

Joseph Murangira

Judge.