

THE REPUBLIC OF UGANDA

IN THE COURT OF APPEAL OF UGANDA, AT KAMPALA

CORAM: HON. JUSTICE L.E.M. MUKASA-KIKONYOGO, DCJ

HON. JUSTICE A. TWINOMUJUNI, JA

5 **HON. JUSTICE A.S. NSHIMYE, JA**

CRIMINAL APPEAL NO. 108 OF 2006

DRALADA MOSES.....APPELLANT

VERSUS

UGANDA.....RESPONDENT

10 **JUDGMENT OF THE COURT**

The appellant, Dralada Moses, was charged, and on his own plea of guilty convicted of defilement, contrary to Section 129 (1) of the Penal Code Act. He was sentenced to 12 years imprisonment by the trial court.

15 Dissatisfied with the sentence of the court, the appellant through his learned counsel, Mr. L. Ocorobiya S.B. with leave of this Court, appealed against the sentence alone on the sole ground that it was excessive.

We have listened to his submissions and the reply by the Principal State Attorney, Ms Rose Tumuhaise, as well as perusing the evidence on record and the relevant provisions of the law together with the authority cited by counsel for the appellant.

20 As the evidence stands on record, we do not find any merit in the appeal. The offence admitted by the appellant carries a maximum death penalty. The sentence of 12 years is not unlawful neither in the circumstances of this case is harsh or excessive.

The authority cited by counsel for the appellant is not relevant. We, therefore, dismiss the appeal and uphold the sentence of 12 years imprisonment imposed on the appellant by the trial court.

25 Dated at Gulu this 1st day of June, 2010.

L.E.M. Mukasa-Kikonyogo
HON. DEPUTY CHIEF JUSTICE

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Amos Twinomujuni
JUSTICE OF APPEAL

A.S. Nshimye
JUSTICE OF APPEAL