

IN THE SUPREME COURT OF UGANDA
AT MENGO

CRIMINAL APPEAL NO. 14/94.

SIMON AMODOI APPELLANT
UGANDA RESPONDENT.

VERSUS

(Appeal against conviction and sentence
of the H/C decision holden at Soroti
(Hon. Mr. Justice S.G. Engwau) dated
the 29th day of May 1994 from original
H.C.CR.SS case No. 24/94).

JUDGMENT OF THE COURT.

The appellant was convicted by the High Court for the murder of his father and was sentenced to death, Hence this appeal.

When the appeal came up for hearing the State Attorney informed the Court that the State would not support the conviction of murder but wished to support one of manslaughter on account of provocation. We think that that was the right course to adopt in the circumstances this case where there was no eye—witness to the killing.

The claim by the appellant that there was a quarrel and a scuffle between the deceased and his wife; that the appellant intervened to separate them whereupon the deceased grabbed the appellant's panga and cut him with it twice on the left arm before the appellant repossessed his panga and then cut the deceased once on the neck under provocation was not contraverted.

The conviction of murder is quashed and the sentence of death set aside. We substitute a conviction of manslaughter, contrary to section 182 of the Penal Code.

The appellant has been on remand for about 3 years.

However, this is a border line case which calls for a severe sentence. We sentence the appellant to 12 years imprisonment.

dated at Mengo this 2nd day of February, 1995.

S.T. MANYINDO

DEPUTY CHIEF JUSTICE

B.J. ODOKI

JUSTICE OF THE SUPREME COURT

A.H. ODER

JUSTICE OF THE SUPREME COURT.