

THE STATE
versus
JONATHAN MUTSINZE

HIGH COURT OF ZIMBABWE
HUNGWE J
HARARE, 15 October 2014

Criminal Trial

E Nyazamba, for the State
A Mambosasa and T Musarurwa, for the defence

HUNGWE J: Sometime in 2003 the accused and two others were indicted for two counts of murder and one count of armed robbery. In the trial that followed, Joram Frank was acquitted; Pedzisai Zhoya and Jonathan Mutsinze remained. They were convicted of the two counts of murder with actual intent and one count of armed robbery. At that time – 2004, I invited submissions on extenuation from the accused and his erstwhile co-accused whereupon I made a finding that there were no extenuating circumstances surrounding the commission of the two counts of murder since both counts were premeditated and executed in cold blood during the course of planned robberies of business premises in one night.

Before I could pronounce sentence the record was recalled to the registry to complete certain formalities in respect of the other co-accused who had been acquitted. I was in the meantime considering the appropriate sentence.

The matter had to be postponed because on that day the record could not be located in the criminal registry. Subsequently, I was advised that even my long hand notes could not be located from my clerk's office. I ordered that the recorded proceedings be transcribed. This was done over time but again the transcribed record vanished.

As time passed, even the recording tapes where the proceedings were recorded mechanically were prematurely erased without notice.

Time passed, diligent research did not yield neither my own longhand notes nor the record of proceedings which consisted of over 500 pages of transcribed record of proceedings.

In 2013 the accused, Jonathan Mutsinze, who had been sitting in prison as a convicted prisoner made an application for permanent stay in the Constitutional Court. That application was dismissed on 24 September 2014.

The Constitutional Court, in dismissing the application, also ordered that the matter be remitted to this court for the reconstruction of the lost record to include reasons for the conviction, proceedings and findings on the question of extenuation. The Constitutional Court ordered that this court should thereafter proceed to pass sentence.

The Acting Registrar of this Court has done a splendid job in reconstructing the record from all available information and produced a good substitute of the original record. It has 222 pages.

The reconstructed record is the best secondary evidence of what the original record contained.

S v Williams 1987 (1) ZLR 184 (H).

The Acting Registrar of this court, who is charged with the custody of the records of this court, similarly has the duty to reconstruct a record which has been irretrievably lost. He has used the following documents in the reconstruction of the record:-

1. State outline
2. Accused's defence outline
3. Indictment papers
4. The summaries of evidence which the State intended to lead from witness
5. The list of witnesses
6. Accused's warned and cautioned statement
7. State's closing submissions
8. The transcription of the Prosecutor's long hand notes of the proceedings.

The reconstructed record shows that at the trial three sets of photographic albums were produced. These are:-

- (a) Scene photos;
- (b) Indications made by accused photos; and
- (c) Identification photos of the accused when witnesses were identifying him.

There is also an indication that there was a video recording of the accused as he made physical indications. The video recording of the accused making indications was not part of the new record

Post mortem examination reports of the deceased in each count were produced.

There were two ballistics reports in respect of the two scenes of the crime as well as the two firearms used.

Blood sample results were also produced in the proceedings.

As I pointed at the onset of this judgment, the accused's was convicted on two counts of murder and one count of armed robbery the reasons for judgment were pronounced in open court at the time. I proceed to give a rehearsed version of those same reasons on the basis of the available record of proceedings.

The State Summary of the case against the accused was that accused's erstwhile accomplices, Pedzisai Zhoya and Joram Frank were employed at Craiggieburn Farm, Bindura as farm guards. The farm owner Richard Paul Dollar had an array of fire arms which he kept inside his house. He left for Harare on 27 March 1998. He stayed there until 30 March 1998. During his absence the two farm guards had gained entry into his house and stole a .38 revolver.

On 28 March 1998 around 20 00hours the accused teamed up with the two farm guards and proceeded to Chipadze Shopping Centre, Bindura.

They approached two security guards who were on duty, Lessmore Kange and Takesure Furawu. The accused shot and instantly killed Kenge. The motive of the shooting was to disarm Takesure Furawu who was armed with a 303 riffle which they wanted to use in the robberies.

They proceeded to Chiwaridzo Shopping Centre around 20:30 hours. The two arrived at Chiwaridzo Bottle Store. Pedzisai Zhoya remained outside whilst the accused burst into the bottle store and ordered everyone to lie down. He demanded money from the owner of the bottle store Maslina Ganga.

Willis Konje, an off duty police officer who was present, thought that the pistol was a toy. He struck the accused Jonathan Mutsinze with a beer bottle on the forehead. The accused responded by shooting Willis Konje from a point blank range. He died a few moments later.

The accused proceeded to empty the contents of the till into a bag he brought for the purpose. He also took Maslina's two wrist watches and a calculator. The cash stolen in the robbery was given as ZW\$5 000-00. He left the scene.

In his defence outline the accused Jonathan Mutsinze admitted that he was present and took part in the robbery at Chiwaridzo Bottle Store where Willis Konje was shot. He says, however, that it was one Evans who fired the fatal shot that killed Willis Konje.

He gave the background to this incident as follows:-

On 28 March 1998 he and five others travelled from Marondera to Bindura. Evans and Bonga were in his group. The other group consisted of Simon, Nyamakundu and the father of Eliza.

He believes this other group was responsible for the shooting at Chipadze Shopping Centre where Lessmore Kange was shot and killed.

He admits that he had proceeded to Chiwaridzo Bottle Store with Evans and Bonga. Evans was armed with a .38 mm calibre pistol. He had a toy pistol. On arrival he and Evans went inside. His instructions were that he will order patrons to put their hands up and lie down.

He gave the order for patrons to lie down. Deceased said that accused had a toy pistol and struck him on the forehead. He bled profusely.

Evans fired. Patrons lay on the floor. He then jumped on the counter and seized the cash box, calculator and the wrist watch. He left and met up with his accomplices and shared the loot.

He spent the night at 517 Chiedza Street, Chipadze. He stitched himself up when no one at home was able to. After a week he left for Craiggieburn Farm where he stayed with accused at Pedzisayi Zhoya's father. He did not disclose his involvement in the robbery to anyone.

Neither Pedzisai Zhoya nor Joram Frank was involved in this armed robbery and murder.

After 3 weeks he returned to Marondera. In August 1998 he was arrested.

He claimed that he was subjected to severe torture which included painful electric shock treatment, beatings under the soles of his feet with either a horse pipe or a plank in order for him to confess.

He challenged his extra-curial statement.

He mentioned the names of Sergeants Makudza, Gomwe, Mukono and Meke as taking part in the assaults on his person.

The State called eighteen of the 25 witnesses it had listed as its possible witnesses. The formal documentary evidence consisting the post mortem report and ballistic evidence was produced without contest.

The court admitted into evidence the video recorded indications made by the accused. The recordings show that accused was properly warned and cautioned regarding whether he wished to make indications. He elected to make indications. He asked the officers to go to Chipadze.

At Chipadze the accused showed the police officers where Pedzisayi Zhoya stood holding a gun. He said he had no gun. He showed police where he stood on the side opposite his accomplice who then approached the two guards one of who held a .303 rifle. His task, he said, was to watch out for the police as his accomplice went to disarm the guards before they could carry out the plan to rob the premises under guard. After his accomplice approached one guard he heard bursts of gun shots. The accused showed the police the different directions taken by the fleeing guards.

The accused then told the police at the time that Pedzisai Zhoya who had the .38 stolen from one Mr Dollar, then came to him saying he had failed to disarm the guards. They should go to Chiwaridzo.

He then told the police to proceed to Chiwaridzo Shopping Centre. He told them by then there were 7 to 8 rounds left in the .38 special revolver. He had a toy gun.

Upon arrival he indicated the bottle store which they had robbed. He indicated where Pedzisai was at the pool table with the green satchel in which the pistol was carried. He closed the door behind him. He told the police that Pedzisayi then instructed him to order people to surrender. He gave him 3 live rounds to show the patrons that this was no joke.

He told the police that after he closed the door he then ordered the patrons to put their hands up and to lie down. At that time he showed them the bullets demanding cash. He demonstrated in the video how he did this. He indicated how he proceeded behind the counter. As the cash box was unlocked it opened and spilled its contents. In the video he demonstrates how he knelt down to pick the cash which he had then placed in his pocket.

At that stage he told the police that Pedzisayi came and threw the satchel at him ordering him to put everything inside it. He heard two shots fired by Pedzisai.

He told the police during the recorded dictations that he took spirits and a calculator.

They then went away in different directions as the patrons scattered around in fear. He told the police that they latter met and shared the loot.

He indicated the place where he hid the cash box, at house No 1513.

They proceeded to Chipadze where Pedzisai went to buy some pain killing tablets for him after he was injured during the robbery.

He asked the police team to go to house No 517 Chipadze.

At this house they found his wife present. He tied his head with a towel. He indicated how they shared the money amongst the three of them including Joram Frank.

He confirmed that he sutured his wound.

Pedzisai Zhoya also elected to make indications.

He asked the police team to drive to Chipadze. Upon arrival at a shop that he indicated he went on to give the following indications and explanations.

He indicated the places where each stood respectively. They saw two guards; one was armed with a rifle. The present accused Jonathan Mutsinze had a gun. Jonathan Mutsinze showed the guards a live round. The guards then ran away in the direction he indicated. They did not manage to rob.

He asked the police team to proceed to Chiwaridzo where he said they had then gone. They had arrived there around 8 pm.

At Chiwaridzo Bottle Store Pedzisayi told the officers that when they got under the shop Jonathan Mutsinze carried the satchel with stripes. They stood near the pool table. The gun was in the satchel.

He then left Jonathan under as he went out of the Bottle Store holding a beer bottle. He then shouted "take care of your life." Immediately the gun went off. Doors opened and people ran out.

Jonathan came out of the shop carrying the cash box with money. They left the scene and proceeded to 1513 Chipadze.

Inside they chased the children outside the lounge. Jonathan removed all his clothes to show that he did not remain with any money before they shared it amongst the three of them.

Jonathan called for a needle and thread to suture his forehead injury which injury he had sustained during the robbery at Chiaridzo.

Accusing Pedzisayi said he and Frank got \$450-00 and Jonathan Mutsinze got \$500-00 as he said he was the main actor. Joram Frank had assisted by carrying the firearms from Craiggieburn Farm.

He indicated the sofa inside the room where he slept whilst Jonathan Mutsinze and his wife used the floor. They left Bindura the following morning for Matepatepa. He took the gun.

He indicated that he was happy with the manner the indications were carried out.

The videos recorded indications were supplemented by written indications, the transcript of which appears at p 56 to p 60 of the new record.

The transcript follows clearly the video recorded indications. It was not however signed by the accused.

According to Jonathan Mutsinze, his accomplice directed him on what to do; which is to close the door; to raise his hands showing live bullets as he shouted the order for everyone to put up their hands and lie down and to demand money. He then proceeded to do exactly as he was told. He had a toy gun and Pedzisayi Zhoya had a real one.

The first witness to give evidence was Takesure Furawu who survived the botched armed robbery at Chipadze Shopping Centre. His fellow guard Lessmore Kange was less fortunate.

He told the court that he was in the company of Lessmore Kange when they were approached by a young man who handed a live bullet to Kange. This man took steps backwards, showed then another live round. He then fired at the deceased. This man wore a blue shirt and a navy blue or black pair of trousers. The later fired two shots on the air.

The deceased took a few steps in an attempt to run away before he fell down and died. He was unable to identify their assailant. He did not see any other person at that time. The deceased was not armed but he had a .303 which had no bullets as he had not received any training in the use of fire arms. The purpose of carrying it was to intimidate would-be assailants he said.

Under cross-examination he said although people were still milling around, he could not say whether their assailants had company. The man did not say anything before he fired.

He had been arrested by police on the day as the public believed he had shot his colleague. He had been severely assaulted in a fit of public anger over the killing of his friend. He had thrown away his rifle as the crowd pursued him. Police rescued him from the assault and detained him. He was released when the police identified the correct suspects.

Zuze Zuze is the witness who rescued the first witness from the crowd. He took his rifle and gave it to the first officer at the scene, one Constable Takundwa, who was off duty.

Paul Richard Dollar identified the .38 special revolver which was produced as Exh 12. He had not miss it till police called him to advise him its role in the double murders. His guards, who were Pedzisayi Zhoya and Joram Frank had access to keys to the house when he was away.

The fifth witness Albert Fato gave direct eye witness evidence on how the murder and armed robbery at Chiwaridzo occurred.

Around 8pm the accused Jonathan Mutsinze entered into the bottle store when doors had been closed for ending the business of the day. He closed them behind him. He then ordered everyone to take care and hands up as he wielded a gun.

Someone, a patron, then said the accused had only a toy pistol. The accused turned back to see this man who had retorted a challenge to the arms he was bearing. That same patron then struck the accused on the forehead with a bottle which slipped and hit the walls. The accused Jonathan Mutsinze then fired at point blank range towards this patron. People lay on the floor. Accused shouted at them to get out. Accused proceeded behind the counter; emptied the cash box and ran out.

The witness called the police to the scene. Deceased was ferried by other patrons to the hospital.

Accused had been inside the shop for close to 10-15 minutes before he produced the gun, shoot the deceased and rob the complainant. He wore a black pair of trousers. He wore black shoes.

Two people including deceased were playing pool at a table and four others were drinking beer.

The accused had run away with the cash in his left hand and the gun in the right hand.

According to the witness, the accused Jonathan Mutsinze held a live bullet in his right hand, waving it as he barked his orders whilst he stood in a firing pose with the gun in the right hand.

Under cross-examination this witness mentioned that it was the accused who barked orders to people to lie down; take care; get out and so on as he fired his gun and proceeded to grab his loot.

This witness' evidence was corroborated by that of Maslina Ganga. According to the witness deceased had been drinking with other patrons till closing time. She shut the windows and half of the double doors to the shop. She waited for her patrons to drink up and leave.

A certain man entered. He wore a blue shirt. He held a bullet in one hand. His right hand had something carried by satchel. This man shouted "take care! Lay down!" She remained on her feet. The deceased held a beer bottle on his right hand and struck the gun man. The gun shot rang out.

She ran out the back door exit together with Albert Fato. She asked Fato to keep an eye on this unfolding drama.

Police came in response to someone who had called them.

Maslina says the accused was wearing a blue shirt and a black pair of shoes.

Ernest Mudhindo was 9 years old in 1998. When one morning he woke up to find his school satchel missing. He regards Pedzisayi Zhoya as his uncle. He resided at 517 Chiedza Street, Chipadze, Bindura.

Firimon Mbindo Zhoya is employed as a domestic worker. Pedzisayi is his son. He described to court how he would leave his employer's main door keys under the door mat on knocking off his employer could not have returned. The guards including his son would see him do this. He recalled that his son brought Jonathan Mutunguze and his wife. He accommodated them for a month and half as it was said they had nowhere to stay. Jonathan had a wound on the forehead. When it healed he went to Marondera.

Givemore Nyamhondera and Andrew Biza gave an account of how the murder and armed robbery at Chiwaridzo took place. They both described the gun totting man a wearing a blue shirt and a black pair of trousers. They both described how he held a bullet in one hand and the gun in the right shouting to everyone to take care, hands up and lie down. They both told the court that Willis Konje struck the accused on the forehead with a beer bottle after someone remarked that accused was holding a toy gun. He was then shot. They described how the accused Jonathan Mutsinze then proceeded to rob the premises before taking flight into the darkness.

They both say only accused carried out the murder and armed robbery.

John Chabukwa resided at 517 Chiedza Street, Chipadze, Bindura in 1998.

On the night in question he told the court that Jonathan, who was visiting him together with his wife suggested that he goes to see Pedzisayi and look for mealie meal at the farm where Pedzisayi was employed. He came back with Pedzisayi and he woke up to greet the two before retiring back to bed.

They left. He was awakened by his wife who advised him of the return of the two. She advised that Jonathan was injured. He had already been bandaged on the forehead. Jonathan said he had been involved in a fight at the bar.

Jonathan left with his wife after 2 days. He was now wearing a cap.

His wife gave evidence along the same lines.

Jonathan Mutsinze's wife Farirai Nyambo also testified. Her evidence was to the following effect. Jonathan Mutsinze left for Matepatepa and came back with Pedzisayi Zhonje on 27 March 1998. The next day they left home around 7pm after supper for the beer hall. Upon their return they found her inside the home with the children. They asked her to leave the room with the children. Her husband called her and asked her to bring a dish of water and a mirror. He was inside the toilet. He had a wound on the forehead. She did so. She asked him what had happened. Her husband did not reply. She asked Pedzisayi. He told her not to bother him with useless things. She left the room. He called her to bring a sewing needle and thread. When she did, he asked Pedzisayi to suture his wound. Pedzisayi failed.

Mrs Chibukwa came and tried to assist with the suturing but failed as the thread snapped. He then sutured himself. He then took a towel and wrapped around his head.

They tried to leave, the three of them, that night but failed to find transport. They slept in one room.

Pedzisayi produced a gun from under the sofa and threatened her with it if she tried to be clever. Early in the morning before people were up they left Bindura for Matepatepa.

Pedzisayi would find tablets for Jonathan which he took from home. In April or there about, they left for Marondera where the accused was arrested by police.

The evidence from these witnesses establish the following facts.

1. The accused Jonathan Mutsinze arrived at Chiwaridzo around 8 pm on 28 March 1998.
2. He was wearing a blue shirt and a black pair of trousers.
3. There were over 10 patrons still drinking from Chiwaridzo Bottle Store
4. The accused had a satchel which he placed on the pool table
5. When other patrons wanted to use the table he picked it up and went out
6. When he entered the bottle store he waved a bullet in his left arm and wielded a revolver in the right hand
7. He took a shooting pose and ordered the patrons to take care, hands up and lie down.

8. The deceased challenged him saying he was carrying a toy gun and he struck the accused about the forehead when the accused turned around to face him
9. The beer bottle found its mark on Jonathan Mutsinze's forehead. Jonathan Mutsinze fired at his assailant at point blank range and hit him.
10. Jonathan Mutsinze then ordered the patrons out as he proceeded to pick up the cash box, wrist watches and a calculator.
11. He placed these items in his stripped satchel and ran out into the night
12. He met up with his accomplices and went home after discarding the cash box.
13. He sutured himself that night. The three then left Bindura the following day.

The accused denies any involvement in the murder of Lessmore Kange a few minutes before the killing of Konje.

We did not believe him for the following reasons:-

Witnesses John Chibukwa, his wife, Siti Chibukwa, Jonathan's wife Farirai Nyambo all say that the accused and Pedzisayi Zhoya left 517 Chedza Street after 7 pm but before 8 pm. They had supper.

The survivor of the Chipadze butchered armed robbery described the gunmen as a young man dressed in a blue shirt and a black pair of trousers. Takesure Furawu stated, and we believe him that he did not realise that this person was crying a gun but noticed that he showed his victim a bullet before he took steps back and then shot the deceased.

The same witness could not tell whether he was in someone else company since people were sitting around the centre at the time.

The same *modus operandi* was replicated a few minutes after that butchered cruel robbery.

First, the witness described the gunman as wearing a blue shirt and a pair of black trousers.

They also say he waved a bullet to his victim before he shot deceased.

They were unable to say whether the gun man was alone or acting in concert with someone else.

In our view when the accused states that he was not at Chipadze during the shooting of Lessmore Kange he is not being truthful.

Besides the description given by Takesure Furuwu the court was satisfied that the detailed indications he gave could only have been given by Lessmore with the considered knowledge of the events of the night. Without relying on statements made by the accused

there is sufficient evidence on the record from which the only inescapable conclusion is that Jonathan Mutsnze shot and killed Lessmore Kange at point blank range using the .38 special revolver.

The evidence adduced indicated that the 303 rifle recovered from Zuze Zuze had not been fired for a long time. So it was not fired that night. The only firearm which had been fired is the .38 special revolver which Jonathan admits was used to plan and execute the armed robbery.

As for his explanation that he acted under instructions when he ordered patrons at Chiwaridzo Bottle Store to take care, hands up and lie down, clearly he was fabricating. He did not act under any superior order. We therefore rejected his defence.

The question that remains is whether, when he fired the fatal shots, he intended to kill.

The accused tendered a defence of alibi in respect of the first count. The State led credible evidence to rebut that defence. He did not offer any other defence in respect of the first count. He must be found guilty of murder with actual intent in count 1.

In count 3 he shot at an off duty police officer who had resisted the robbery of the bottle store. There was no submission by the defence that this was in self-defence. The defence argued that the accused carried a toy gun and only did as ordered.

As already demonstrated above, this defence was false. It was mere fabrication. The overwhelming evidence was that it was Jonathan Mutsinze who masterminded both the botched armed robbery attempt at Chipadze and that at Chiwaridzo. The killing of Willis Konje was reasonably foreseeable when, at planning it was decided to use a fire arm to overcome any resistance to their goal to rob. As such the accused knew that in the course of their planned armed robbery which he admitted to planning when in Marondera, they might meet with resistance and that resistance ought to be broken with the use of a fire arm. Death of the person resisting was a risk which they had agreed and resolve to deal with. As it turned out he was struck on the forehead. He shot his assailant at point blank range. He cannot say he did not intend to kill.

His forehead wound became his identification mark by which he was easily picked up in an identification parade subsequently carried out. In the result I found that when Jonathan Mutsinze fired at Willis Konje he intended to kill him.

He admitted to commit the robbery but claimed he was under orders. This was planned. No one ordered him.

He is guilty of murder of Willis Konje with actual intent as well as armed robbery.

Sentence

In assessing sentence I take into account what counsel for the accused has submitted in mitigation. Factors which should weigh as mitigating include but are not limited to the following:-

- (a) Accused is a family man with many wives and 10 children.
- (b) He is a first offender who was a leader of his church.
- (c) He has been in prison for the past 13 years.
- (d) He has lost his mother and son whilst in prison.

Indeed he has been anxiously awaiting to hear his fate for a long time.

These are his personal circumstances against which the interests of justice need to be weighed. These factors include the aggravating factors of the case which the counsel for the State has pointed out in its submissions.

These factors include but are not limited to the following:-

- (a) The accused has been convicted of serious crimes i.e. 2 counts of murder and 1 count of armed robbery.
- (b) The murders were not planned in the sense that the accused set out to kill Lessmore Kange and Willis Konje but they fell within the general plan that the accused and his erstwhile accomplices hatched when they settled and decided to set in motion their evil plan to rob business premises at night.
- (c) The armed robbery was planned to detail. The accused and his friends foresaw that by its nature the crime of robbery involved confronting their victims who may or may not resist their demands to take away property. If their demands were resisted they could force their way by use of armed force. In that sense therefore the death of the two victims was planned.
- (d) They carefully chose their targets which were business premises the timing also jeopardised the lives of innocent people who were going about their ordinary businesses.

Usually at 20:00 hours the urban business centres are a hive of activity. They chose to execute their plans then the results were disastrous for two security personnel.

In the case of Lovemore Kange he had not challenged or resisted the robbery. In fact he was killed before he knew why he was being shot. He was unarmed and had not resisted the accused in any way.

As for Willis Konje, he was relaxing with other members of the public and apparently not on duty. He was a police officer. When public security was threatened he felt duty bound to act in the interest of crime prevention. He resisted, the accused because he was under the false belief that the accused had a toy gun. Unfortunately it was a real gun. He in a way met his death in the line of duty.

The first count of murder was committed in the course of a robbery so was the second one.

In my view these murders were committed in aggravated circumstances.

The law at the time required and obliged the court to impose the death penalty especially where no extenuating circumstances had been found to exist. See 337 of the Criminal Procedure and Evidence Act, [*Cap 9:07*].

However there has been a change in the legal terrain introduced by the new Constitution.

That constitution, in s 48 recognises everyone's right to life including a prisoner. Section 48 (2) of the Constitution states that a law may permit the death penalty to be imposed on a person convicted of murder committed in aggravated circumstances and that the law must permit the court a discretion whether or not to impose the penalty.

In my view what the Constitution has done is to unfetter the exercise of the discretion which was previously fettered in s 337 of the Criminal Procedure and Evidence Act [*Cap 9:07*]. The omission of reference to extenuating circumstances and the introduction of aggravate circumstances in my view must be interpreted to mean that what is envisaged is an Act of Parliament which will define the terms on which courts will impose the death penalty. Alternatively and in any event, the absence of the definition of the term or what amounts to "aggravated circumstances" must mean that these were to be defined in the envisaged law.

Before such an Act of Parliament is enacted, I interpret the legal position to be that, in keeping with its international obligations and international best practices Zimbabwe intends to move away from the death penalty.

Therefore, unless the State applies for a finding that aggravated circumstances exist, the court cannot impose this penalty in the spirit of the new law.

In my view the accused must benefit from the absence of a specific law setting out the exact definition of what constitutes special circumstances.

In any event the accused has spent a long time awaiting sentence. However I do not attach too much weight on this aspect because he did not press early enough his right to speedy trial within a reasonable time. He is in any event, partly to blame for his plight.

In view of the fact that these crimes were committed after a careful planning I find that the following sentences are appropriate.

Count 1: Life imprisonment

Count 2: 10 years imprisonment

Count 3: Life imprisonment

Prosecutor General's Office, State's legal practitioners
Mambosasa Legal Practitioners, defence's legal practitioners