IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

IN THE SUB-REGISTRY OF MANYARA

AT BABATI

CRIMINAL APPEAL CASE NO. 8 OF 2023

(Arising from Criminal Case No. 18 of 2022 in the District Court of Babati at Babati)

FAUSTINE MATTLE PHILIPO .....APPELLANT

VERSUS

THE REPUBLIC .....RESPONDENT

JUDGMENT

1st & 8th March, 2023

Kahyoza, J.:

Faustine Mattle Philipo was arraigned together with **Martine Gabriel** before Babati District court charged with the offence gang rape in the first count and rape of a girl under ten years, in the second count. The trial court convicted him with the offence of rape in the second count and sentenced him to life imprisonment.

Dissatisfied, **Faustine Mattle Philipo** appealed to this Court, raising six grounds of appeal, which culminated into the following issues-

1. Whether the evidence of Pw1 and Pw2, which the court relied upon to convict the appellant was contradictory.
2. Whether it was proper to rely on the evidence of Pw2 to convict the appellant.

3. Whether the evidence of Pw2 was properly recorded without conducting a *voire dire* examination.
4. Whether the court erred to convict the appellant based on the evidence of Pw1 and Pw2 which varied with the facts read during the preliminary hearing.
5. Whether the court convicted the appellant without considering the circumstances of the case.
6. Whether the *prime facie* ruling was too short and without reasons for decision.

A brief background is that the prosecution alleged that **Faustine Mattle Philipo** and **Martine Gabriel** entered the house of XX at night. At that time **XX**, a mother of three children, was sleeping with her daughter **YY**, and two sons, Baraka and Innocent. The prosecution had it that **Faustine Mattle Philipo** and **Martine Gabriel** raped XX in turn. It was **Faustine Mattle Philipo** who raped XX first followed by **Martine Gabriel.** After **Faustine Mattle Philipo** finished his turn of raping XX, he turned to **YY**, XX's daughter. YY was a 7 years old girl. According to her mother's evidence, YY was born in 2015. It was further alleged that after **Faustine Mattle Philipo** and **Martine Gabriel** finished raping the victims, slept with victims until morning. XX deposed that she became unconscious and when she regained she found them sleeping on her bed. **Faustine Mattle Philipo** woke up and walked away leaving **Martine Gabriel** sleeping. She woke up

Martine Gabriel who looked at her and went back to sleep. XX reported the incident to her neighbor Sabina and hamlet chairman. The hamlet chairman reported to the village chairman. Sabina sought assistance to arrest **Faustine Mattle Philipo.** People arrested **Faustine Mattle Philipo** and brought him at the scene and locked him inside the house. Later, the matter was reported to police who issued PF.3s to **XX** and **YY**, the victims of rape.

Doctor Dora Joseph (**Pw3**) examined the victims and tendered a PF.3 as exhibit P.1. She deposed regarding YY, a girl aged 7years, that her examination revealed that her vagina was swollen, labia minora and majora were reddish. Doctor Dora Joseph (**Pw3**) deposed that she found no hymen and the inside of YY's vagina had lacerations. YY felt lot of pains so much that Doctor Dora Joseph (**Pw3**) examined her with difficulties.

It is against the above background the trial court convicted the appellant. During the hearing of the appeal, the appellant fended for himself while Mr. Peter Utafu appeared for the Respondent. I now reply to the issues raised by the grounds of appeal.

Was the evidence of Pw1 and Pw2, which the court relied upon to convict the appellant contradictory?

The appellant complained that the trial court erred to rely on the evidence of Pw1 and Pw2, which materially contradicted each other on how and when the appellant arrived at the scene of the crime. He added that the contradiction affects the identification evidence.

Mr. Utafu, learned state attorney who appeared for the respondent conceded that there was contradiction between the evidence of Pw1 and Pw2. He argued that the contradiction was minor as it did not go to the root of the matter. He argued that minor contradiction and discrepancies in the evidence are not fatal and that the court is bound to determine the category of the contradictions. To support his contention, he cited the case of **Zheng Zhichao V. D. P. P.** Cr. Appeal No. 506/2019 where the Court of Appeal held that-

> *"a material contradiction or discrepancy is that which is not normal not explained of a normal person, and that courts have to determine the category to which a contradiction, discrepancy or inconsistency could be characterized".*

Indeed, the law is settled that contradictions in a particular witness or among witnesses are inevitable but only fundamental contradictions affect

credibility of a witness or weaken one's case. Where there are contradictions in any of the testimonies, it is the duty of the trial court to determine whether they are material going to the root of the case or just minor which may be disregarded. The Court of Appeal emphasized the position that minor contradictions must be disregarded in **Marando Slaa Hofu and 3 others v R.,** CAT Criminal Appeal No.246 of 2011 where it held-

> *"Contradictions by any particular witness or among witnesses cannot be escaped or avoided in any particular case. However in considering the nature, number and impact of contradictions, it must always be remembered that witnesses do not always make a blow by blow mental recording of an incidence. As such contradictions should not be evaluated without placing them in their proper context in an endeavor to determine their gravity, meaning whether or not they go to the root of the matter or rather corrode the credibility of a party's case."*

It is true that Pw1 and Pw2 gave contradictory evidence as how the appellant found himself in the victims' house room. XX, (**Pw1**) deposed that the appellant and Martine entered her house at around 03:00hrs while she was sleeping with her children. She denied the allegation that they were drinking local brew. YY, (**Pw2**) deposed during cross-examination that Martine and the appellant went to their house and bought and drunk pombe.

She admitted that they were selling local brew. She deposed that she saw them first at that time.

I am of the view that the contradictions are not fundamental as they do not touch the root of the matter. The court did not trust the evidence of XX, (Pw1) as she had something to hide. She did not tell whole truth. She knew that she was selling ("*gongo*"), illicit drink, an act which amounted to a criminal offence. She did not like to state that. The trial court did not convict the appellant for raping the XX, (**Pw1**). However, the court found the evidence of YY, (**Pw2**) credible. YY, (**Pw2**) deposed that before the appellant and his friend committed the offence, were drinking local brew at their house. YY, (**Pw2**) saw and identified the appellant and his friend.

The fundamental issue was whether YY, (**Pw2**) was raped or not. There is no contradiction regarding the issue of whether YY, (**Pw2**) was raped. I agree that the contradiction raised would affect the identification evidence. Since the identification evidence not only based on the evidence of that YY, (**Pw2**) and XX, (Pw1) saw the appellant before the offence, the contradiction had less impact. There were other piece of identification evidence was that the YY, (**Pw2**) and XX(Pw1) saw and identified the appellant at the time of committing the act as there was flash light and the victims knew the appellant and his friend before. There is another piece of

identification evidence that, after the appellant and his friend committed the offence, slept on the same bed with the victims until early in the morning.

It is on record that the appellant woke up in the morning and left. The appellant's friend Martine slept until late in the morning. Martine was found sleeping in the house by the ten-cell leader. It is on record that the appellant left crime scene in the morning. XX, (Pw1) complained to her neighbor that the appellant raped her. The neighbor led people to arrest of the appellant. They took him and locked him with Martine in the room until police arrived at the crime scene. I have no doubt that the contradiction did not affect the identification evidence. It was minor contradiction.

Was it proper to rely on the evidence of Pw2 to convict the appellant?

The appellant complained that the trial court erred to rely on the evidence of YY, Pw2, which did not pass a test of truthfulness. The respondent's state attorney submitted that the appellant's second ground of appeal is baseless. YY, (**Pw2**), was consistent and her evidence was corroborated by the victim's mother and the doctor.

The appellant did not elaborate the second ground of appeal. I will take it that his complaint implied that YY, (**Pw2**), was not a trustworthy witness. The appellant did not advance any reason why the trial court should

not have trusted the evidence of YY, (**Pw2**). It is trite law that witnesses must be trusted unless, there is a cogent reason to question their credibility. The Goodluck Kyando v. R., [2006] TLR 363 and in **Edison Simon Mwombeki v. R.**, Cr. Appeal. No. 94/2016 (the Court of Appeal stated that-

> "*Every witness is entitled to credence and must be believed and his testimony accepted unless there are good and cogent reasons for not believing a witness.*"

I am unable to find any cogent and good reason to disbelieve YY, (**Pw2**). YY, (**Pw2**), the victim explained how the appellant and friend who were drinking local brew at the victim's home had carnal knowledge in turn with her mother and later the appellant turned to her and had had carnal knowledge her. YY, (**Pw2**)'evidence was supported by the doctor. The doctor's evidence was that YY, (**Pw2**)'s vagina was swollen, labia minora and majora were reddish, victim had no hymen and the inside of YY's vagina had lacerations. This evidence was enough to establish that YY, (**Pw2**) was penetrated.

I do not find any reason to distrust YY, (**Pw2**). For that reason, I find the appellant's second ground of appeal baseless.

Was the evidence of Pw2 properly recorded without conducting a *voire dire* examination?

The appellant complained that the trial court did not conduct a *voire dire* examination to test YY, (**Pw2**)'s truthfulness and to comply with section 127(2) of the Evidence Act, [Cap. 6 R.E. 2022].

The respondent's state attorney submitted in opposition regarding the third ground of appeal that the trial court did not misdirect itself as to the procedure of recording the evidence of the victim. The law, section 127(2) of the Evidence Act, provides clearly how to record the evidence of a witness of tender age. He added that the trial court's duty was to make sure the victim promises to tell truth. The trial court conducted an intelligent test and the trial court did that. The trial court's record shows that the victim promised to tell the truth.

I wish to state that courts are no longer bound to conduct a *viore dire* examination as it was in the past before section 127(2) of the Evidence Act was amended. *Viore dire* examination is a preliminary examination to determine the competency of a witness. The procedure for conducting of *voire dire* examination essentially aimed at ascertaining, **one**, whether the child understands the nature of oath that is "oath test" and **two**, whether he or she has sufficient intelligence to justify reception of the evidence that

is the "intelligibility and truth test". (See **Hassan Kamunyu vs Republic**, Criminal Appeal No. 277 of 2016 (unreported)) and **the Ruling of the Full Bench of the Court of Appeal** in **Kimbute Otiniel v. R.,** Cr. Appeal No. 300 of 2011.

After the amendment, the requirement for the conducting a *voire dire* examination before a child of tender age testifies was omitted. The amended section 127(2) of Evidence Act, reads-

> *"(2) A child of tender age may give evidence without taking an oath or making an affirmation but shall before giving evidence,* ***promises*** *to tell the truth to the court and not tell any liest".*

The amendment of section 127(2) became operation from 7th July, 2016 when the president assented. The amendment did away with the procedure for conducting *voire dire* examination. The law as it stands, requires the child of tender age to promise to tell truth. The Court of Appeal in **Geofrey Wilson v. R.**, Criminal Appeal No. 168 of 2018 (unreported), stated-

> *"....the trial court should at the foremost, ask few pertinent question so as to determine whether or not the child witness understands the nature of oath. If he replies in the affirmative then he or she can proceed to give evidence on oath or affirmation depending on the religion professed by such child witness. If such child does not*

understand the nature of oath, he should be before giving evidence, be required to promise to tell the truth and not to tell lies."

From the decision of the Court of Appeal in **Geofrey Wilson v. R.,** (supra) the trial court had a duty to find out if the victim *understands the nature of oath*' that is to conduct "oath test". Thus, the purpose of the trial court conducting an inquiry is not to determine whether the child of tender age will tell truth that is whether the child of tender possesses sufficient intelligence to justify reception of the evidence. The Court is not required to conduct an "intelligibility and truth test" as explained in the cases of **Hassan Kamunyu vs Republic**, and **Kimbute Otiniel v. R.,** (supra). I, therefore find it lame argument, the appellant to complain that the court omitted to conduct a *viore dire* examination to determine the truthfulness of the evidence of YY, (**Pw2**). To determine the truthfulness of the evidence of YY, (**Pw2**), a child of tender age, the court has; **one**, to ensure she promises to tell truth and not tell lies, as provided under section 127(2) of the Evidence Act. **Two**, to evaluate the whole evidence, bearing in mind the witness' demeanour, the inconsistency or cogency of the evidence, its credibility and reliability and the probable force of the testimony.

The record of the trial court depicts that YY, (**Pw2**), promised to tell the truth. It reveals further that the trial did not conduct an inquiry and that

YY, (**Pw2**), did not testify on oath. Given the decision of the Court of Appeal in **Geofrey Wilson v. R.** that the purpose of conducting an inquiry is to find out if the victim *understands the nature of oath*' that is an "oath test" there is nothing fatal. It would have been fatal had the trial court allowed YY, (**Pw2**), testify on oath without conduction an inquiry.

I find that the trial court properly received the evidence of YY, (**Pw2**), after her promise to tell truth notwithstanding a fact that it did not conduct an inquiry. Consequently, I find no merit in the third ground of appeal.

Did the court err to rely on the evidence of Pw1 and Pw2, which varied with the facts advanced during the preliminary hearing?

The appellant complaint in the fourth ground of appeal was that the trial court erred to rely on the evidence of Pw1 and Pw2 which varied with the prosecution's facts adduced during the preliminary hearing. The appellant also stated that the evidence of Pw1 and Pw2 not only varied with the said facts but also it contradicted each other.

The respondent replied that the complaint in the fourth ground of appeal was weak for that reason, baseless. He argued that preliminary hearing is governed by section 192 of **Criminal Procedure Act**, [Cap. 20

R. E. 2022] (the **CPA**) and rule 4 of GN. No. 192/1998, which provide that only facts in dispute bind the parties. The accused or appellant disputed all facts except his own name rendering the advanced facts useless. The appellant's denial of facts during the preliminary hearing forced, the prosecution proved all elements disputed the facts, the respondent's state attorney argued.

Indeed, the appellant and his co-accused person disputed all facts the prosecution advanced during the preliminary hearing save for their names and address. The law states in no uncertain terms that, it is a document and a fact admitted or agreed in the memorandum which is deemed proved. Thus, facts or document adduced or referred to during the preliminary hearing, which are not admitted or agreed upon in the memorandum have no value. Those facts cannot be referred to in the trial or in the judgment or be a ground of appeal. Subsection (4) of section 192 of the CPA specifies which facts advanced during the preliminary hearing have value. It stipulates-

> *(4)* ***Any fact or document admitted or agreed****, whether such fact or document is mentioned in the summary of evidence or not,* ***in a memorandum filed under this section shall be deemed to have been duly proved****; save that if, during the course of the trial, the court is of the opinion that the interests of justice so*

demand, the court may direct that any fact or document admitted or agreed in a memorandum filed under this section be formally proved.

The appellant's ground of appeal was premised on facts not admitted or agreed upon during the preliminary hearing. He, thus, misdirected himself. I, therefore, find no merit in the fourth ground of complaint and dismiss it.

Was the appellant convicted without considering the circumstances of the case?

The appellant complained in the fifth ground of appeal that the trial court convicted him without considering the environment surrounding the scene of the crime and the behavior of XX, (**Pw1**), YY, (**Pw2**) and YY, (**Pw2**)'s grandmother during and after the commission of the offence. He added that the court did not consider the character and demonour of XX, (**Pw1**) selling illicit drink [gongo] and her habitual drunkard which may have impaired her memory and that her failure to act immediately after the commission of the offence raises doubt.

The respondent's state attorney replied to the fifth ground of appeal that, the appellant's attack to the evidence of XX, (**Pw1**) and YY, (**Pw2**) was baseless. He stated that the fact that XX, (**Pw1**) was selling [gongo] illicit

drink and staying in a pombe selling house was a not ground to prove that she had an impaired memory. He argued that XX, (**Pw1**) and YY, (**Pw2**) were credible witnesses. To support his argument, he cited the case of **Goodluck Kyando**, (supra). He concluded that the appellant did not explain how the fact that that the victim was living in the house selling pombe should not be trusted by this Court.

The environment surrounding the commission of the offence is found in the evidence of YY, (**Pw2**) and partly in the defence. YY, (**Pw2**) testified that the appellant and co-accused drunk illicit drink common known as Moshi or gongo, which her mother was selling. Later, obviously when they were drunk, took turn to have sex with XX (**Pw1**) and the appellant having not quenched his thirsty turned to YY, (**Pw2**). The appellant was the first to have sex with XX, (**Pw1**) the mother of YY, (**Pw2**). There is evidence that YY, (**Pw2**) shouted for help before the appellant ordered her to stop. All in all, YY, (**Pw2**)'s grandmother heard a call for help and responded. According to the evidence of YY, (**Pw2**), her grandmother arrived at the scene of the crime, witnessed what was going on and left. She did not report.

After the appellant and his co-accused person were satisfied, they spent the remaining hours sleeping on the same bed with the victims until morning. It is in the evidence of XX, (**Pw1**) and YY, (**Pw2**) that they woke

up in the morning and saw the appellant and his co-accused person on their bed. YY, (**Pw2**) saw them when she went to pee and returned to sleep. XX, (**Pw1**) and YY, (**Pw2**) deposed that the appellant was the first to leave the room. The appellant's co-accused person did not leave the place until he was arrested. XX, (**Pw1**) and YY, (**Pw2**) added that XX, (**Pw1**) woke up the appellant's co-accused person who opened his eyes and slept again.

I am in total agreement that that the environment surrounding the commission of the offence raises several questions; **one**, whether XX, (**Pw1**) did not consent; **two**, whether it was not a normal act for XX, (**Pw1**) to have sex with her client; and **three**, whether XX, (**Pw1**), the appellant and his co-accused were not too drunkard to comprehend what was going on. Notwithstanding the issues I have raised from the environment surrounding the commission of the offence, I do not share the same views with the appellant that, the trial court did not consider it. In fact, the trial court considered the environment surrounding the commission of the offence that is why it acquitted the appellant and his co-accused of the offence of raping XX, (**Pw1**).

In addition, after considering the environment surrounding the commission of the offence, the trial court convicted the appellant for raping YY, (**Pw2**). YY, (**Pw2**) was a girl of only seven years old. She could not

legally consent to have sex, she testified that she resisted and the appellant silenced her. Given her age, YY, (**Pw2**) was not expected to go out at night to report to neighbours what had be fallen her. YY, (**Pw2**) testified how she recognized the appellant who was her mother's client buying and drinking "*gongo*". She explained how she saw him by help of light from "flash". The appellant and his co-accused slept on the same bed with the victim and her mother after they finished raping them until morning. Thus, YY, (**Pw2**) had another opportunity to identify and recognize her assailant. It is on record that the appellant's co-accused person was arrested while still inside the room.

The evidence shows that the appellant was charged with offence of rape, that is having canal knowledge of a girl under 18 years of age. In such a case, the offence of rape is established by proving penetration and the age of the victim. It is immaterial if the victim consented or not. Section 130 (1) and 2(e) stipulates that-

> *"130.-(1) It is an offence for a male person to rape a girl or a woman.*
> *(2) A male person commits the offence of rape if he has sexual intercourse with a girl or a woman under circumstances falling under any of the following descriptions:*
> *(a) .....;* *(c) .....;*
> *(b) .....;* *(d) .....;*

(e) ***with or without her consent when she is under eighteen years of age****, unless the woman is his wife who is fifteen or more years of age and is not separated from the man".*

XX, (**Pw1**) deposed that she gave birth to YY, (**Pw2**) in 2015, thus, she was seven years old in 2020 when the offence was committed. It is settled that the evidence of a parent is better than that of a medical Doctor as regards the child's age. (See **Edson Simon Mwombeki v. Republic**, Criminal Appeal No. 94 of 2016 (unreported).

The prosecution proved penetration vide the evidence of YY, (**Pw2**) and the doctor. YY, (**Pw2**) deposed that Amii *"alichukua dudu yake akaingiza kwenye ya kwangu ya kukojolea"* literally meaning Amii inserted his manhood into her vagina. The doctor Dora Joseph (**Pw3**) deposed that her examination revealed that YY, (**Pw2**)'s vagina was swollen, labia minora and majora were reddish. She added that YY, (**Pw2**) had no hymen and the inside of her vagina had lacerations. YY, (**Pw2**) felt lot of so much pains that Doctor Dora Joseph (**Pw3**) examined her with difficulties. What further evidence of penetration would a court require.

The appellant raised a defence of *alibi* and that XX, (**Pw1**) fabricated the case against him out of hatred. He deposed that led police to arrest XX, (**Pw1**) for selling illicit drink ("gongo "piwa").

The appellant raised the defence of *alibi* without complying with section 194 of the CPA. The law states that a court may not give weight to the defence of *alibi* raised in contravention of section 194 of the CPA. I considered the defence of *alibi* and concluded that it was an afterthought for three reasons; **one**, it was given after the prosecution closed its case and without notice; **two**, the appellant was arrested immediately after he left the scene of the crime. He was arrested after he was pursued; and **three**, he YY(**Pw2**) recognized the appellant properly.

As to the appellant's allegation that XX, (**Pw1**) fabricated the case against him out hatred, I hold that the same is an afterthought. The appellant did not cross-examine XX, (**Pw1**) on that issue. He raised it in his defence. Even if, the appellant had cross-examined XX, (**Pw1**) that fact would not have weakened the recognition evidence of YY(**Pw2**). YY(**Pw2**) recognized the appellant to have been a person who raped her.

I am of the view that there is ample evidence that YY(**Pw2**) was penetrated. I have no reason to doubt the evidence of YY(**Pw2**) and the

doctor. Like the trial court, I find her a credible witness. She had no reason to lie. It is a settled principle of law that in sexual offences the best evidence comes from the victim. See the case of **Selemani Mkumba v. R.** [2006] T.L.R. 23 and **Daudi Shilla V. R**, Criminal Appeal No. 117 of 2007 (unreported) the Court observed in that latter case that-

> "*The evidence of the complainant on what the appellant did to her is detailed and she missed no word. All the ingredients of the offence were given in her evidence. By then she was fourteen years. The Court in* ***Seleman Makumba Vs R*** *... said: -*
> *"The evidence of rape has to come from the victim, if an adult, that there was penetration and no consent, and in case of any other woman, consent is irrelevant that there was penetration'...."*

Was the *prime facie* ruling too short and without reasons for decision?

The appellant complained in his last ground of appeal that trial magistrate erred in law and fact by giving ruling which was too short, having no findings and reasons for holding that the appellant had a case to answer.

The respondent's state attorney submitted in reply to the appellant's last ground of appeal that, complaint that the ruling of case to answer was too short is baseless. He argued that, the trial magistrate wrote a ruling as required by law. The ruling explained the appellant his legal rights under

section 231 of the CPA. He added that the law does not give the contents of the ruling as to case to answer.

The trial court's ruling stated the offence the appellant stood charged, the number of witnesses and exhibits the prosecution tendered to prove its case. It also made a finding that after considering the evidence, it was of the opinion that the prosecution established their case. The ruling was made under section 230 of the **CPA**. The section states-

> ***230. Where**, at the close of the evidence in support of the charge, **it appears to the court** that a case is not made out against the accused person sufficiently to require him to make a defence either in relation to the offence with which he is charged or in relation to any other offence of which, under the provisions of sections 300 to 309 of this Act, he is liable to be convicted, the court shall dismiss the charge and acquit the accused person.*

The law, quoted above, does not provide how the court determines the case is not made against the accused person. A long-established practice has been for a court to write a very short finding when it is of the opinion that a case is made out and a reasoned ruling when it is of the opinion that the case is not made out. The logic is not far-fetched, the ruling that the case is not made out is appealable, so the court has to give a reasoned ruling to enable a party aggrieved to find grounds of appeal. While the ruling that

a case has been made out is not appealable. It is therefore mandatory to give a reasoned ruling. The Court of Appeal in **Mashaka Mgunda V. R.** Cr. App. No. 4 of 1999 MWANZA (CAT- unreported) held that-

> *"A court is not required to give reasons when deciding whether or not there is a case to answer except, of course, where the position is in controversy. According to Section 230 of the ACT if at the close of the prosecution case it appears to the court that a case is not made out against the accused, the court is enjoined to dismiss the charge and acquit the accused without further ado. Similarly under section 231 if a case is made out the court is required merely to again explain the substance of the charge to the accused and to inform him of his right to defend himself and the mode of doing so and the right to call witnesses.* ***There is no requirement for a reasoned decision, but it is sufficient if it appears to the court that there is a case to answer.*** *As just stated, a reasoned decision would only be called for where the defence submit that there is no case to answer and assign reasons for the submission."*

I find the appellant's complaint in the sixth ground of appeal baseless and dismiss it.

In the end, I find that the prosecution proved the elements of the offence of statutory rape, which are the victim's age and penetration. Consequently, I find the appeal without merit and dismiss it in its entirety. I uphold both, the conviction and sentence of life imprisonment imposed by

the trial court. I also uphold the compensation of Tzs 500,000/= imposed by the trial court.

Dated at Mwanza, this 13th day of March, 2023.

J.R. Kahyoza
Judge

Court: Judgment delivered in the presence of the appellant and Mr. Otafu learned State Attorney, for the Respondent. B/C Mr. Damas present. The right of further appeal explained.

J.R. Kahyoza
JUDGE
13/03/2023