

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**DAR ES SALAAM SUB-REGISTRY**

**AT DAR ES SALAAM**

**CRIMINAL APPEAL NO. 39716 of 2023**

*( C/f Criminal Case No.86 of 2022 in the Resident Magistrate's Court of Kivukoni at Kinondoni)*

**ASHA JUMA NOMBO**

**VERSUS**

**THE REPUBLIC**

**JUDGMENT**

*Date of last order: 2-5-2024*

*Dat of judgment:27-5-2024*

**B.K.PHILLIP,J**

The appellant was arraigned in the Resident Magistrate's Court of Kivukoni at Kinondoni for the offence of stealing by agent contrary to sections 265 and 273 (b) of the Penal Code. She was convicted and sentenced to fourteen years (14) imprisonment. Aggrieved by the judgment of the Resident Magistrate's Court of Kivukoni at Kinondoni she lodged the appeal in hand on the following grounds:

- i) *The learned trial Magistrate erred in law and fact by failing to analyze*

*the evidence which resulted in a wrong verdict.*

- ii) *That the learned Honourable trial Magistrate erred in law and fact for failing to note that the prosecution failed to prove the offence to the required standard leading to a wrong judgment.*
- iii) *That the learned Honourable trial Magistrate erred in law and in fact in illegally sentencing the Appellant contrary to the dictate of the law.*
- iv) *That the trial Magistrate erred in law by concluding that the Appellant stole the money while the prosecution did not prove instructions given by the complainant to the Appellant for the usage of the money received by the Appellant.*
- v) *The trial magistrate erred in law by ignoring the testimonies of the appellant who stated that the list of beneficiaries of the money was in the notebook seized by the Police.*
- vi) *The trial court erred in law in entertaining this suit as a criminal case while it is more of a civil suit.*

At the lower court the prosecution alleged that on diverse dates, between the 30<sup>th</sup> day of January 2022 and the 8<sup>th</sup> day of April 2022 in different areas within the Dar es Salaam Region, the appellant stole cash Tshs. 310,000,000/= the property of Hidaya Hamis Sayore ( the complainant in the

case) which was entrusted to her by the said Hidaya Hamis Sayore, for buying a house at Kinondoni, Dar es Salaam Region and construction of a mosque in Bagamoyo. The prosecution paraded six witnesses namely, Peter Bana (PW1), Abdul Malik Selemani Ahmed (PW2), Mrisho Abdallah (PW3), Amina Mshana (PW4), Hidaya Khamis Sayore (PW5) and Inspector Steven (PW6). The appellant was the only witness for the defence case.

This appeal has been disposed of by way of written submissions. The learned Advocate Mwesigwa Muhingo and learned State Attorney Mosie Kaima appeared for the appellant and respondent respectively.

In his submission in support of the grounds of appeal, Mr. Muhingo started with the 6<sup>th</sup> ground of appeal followed by the 3<sup>rd</sup> ground of appeal probably because these two grounds of appeal are concerned with issues of law

Submitting for the 6<sup>th</sup> ground of appeal, Mr. Muhingo pointed out that in her defence the appellant denied having ever received the sum of Tshs.310,000,000/= from the complaint (PW5). However, she conceded that she received a sum of Tshs.225,000,000/= being proceeds from the sale of PW5's house on Plot No.25 Block " B" Temeke, Title no 56975 ( exhibit PE3) and Tshs.75,000,000/= which were sent to her by PW5 through bank transfers, and she further stated that PW5 instructed her to give those

amounts of money to different people. She complied with the instructions given by PW5.

Mr. Muhingo went on to argue that it is apparent that the appellant and the complainant agreed on how the aforesaid money should be spent. He insisted that there was no doubt that all monies received by the appellant were intended to be given to other people. Mr. Muhingo was of the view that the pertinent questions here are; did the appellant give the money to the intended beneficiary/people as per PW5's instructions? or did she breach the agreement she entered into with PW5? . Mr Muhingo argued strongly that the questions stated herein above can better be answered in a civil case not a criminal case. Thus he maintained that trial court erred in entertaining this case while PW5's claims were supposed to be dealt with in a civil suit. Expounding his arguments, Mr. Muhingo argued that, it is in a civil suit where the appellant would have the opportunity to prove the instructions given to her by PW5 (the complainant). And if the court finds that the appellant breached her agreement with the respondent, then could order the appellant to pay back the complainant's money. He was emphatic that where a dispute between the parties involves issues that are based on civil claims mixed up with some criminal elements, it is a mandatory requirement that remedies in civil domains have to be exhausted before the invocation of a criminal

process. He referred this court to section 4 (3) of the Criminal Procedure Act Cap 20 R.E 2022, ("CPA") and the case of **James Duru@ Nade Vs. the Republic Public, Criminal Appeal No. 100 of 2020** and **Edward Kisiki Vs The Republic Criminal Appeal NO. 11 OF 2010** ( both unreported). To cement his arguments. He urged this court to set aside the impugned judgment.

Mr. Muhingo's arguments in respect of the 3<sup>rd</sup> ground of appeal were to the effect that a sentence of 14 years imprisonment imposed on the appellant was illegal and contrary to the law. Relying on the provisions of Sections 265 and 273 (b) of the Penal Code ("PC"), Mr. Muhingo submitted that the maximum sentence for a person convicted of stealing is ten years. He went on to submit that in this case the appellant was supposed to be sentenced to less than ten (10) years because she was the 1<sup>st</sup> offender and did not deceive or lie to the complainant, but the money was given to her by the complaint herself with instructions.

Submitting for the 4<sup>th</sup> ground of appeal, Mr. Muhingo argued that the appellant was convicted for the reason that she did not spend the money per the instructions given to her by PW5, but during the hearing of the case, none of the prosecution witnesses testified that she/he witnessed when PW5

was giving instructions to the appellant on how the money in question should be spent. Even the assertion that she was supposed to use the money for buying a house at Kinondoni and give some of the money to the Imam in Bagamoyo for building a mosque are hearsay testimonies since witnesses were informed by PW5 and came to reproduce the same before the trial court, contended Mr. Muhingo. He maintained that there was no other evidence on the use of the money in question that was presented before the trial court apart from the complainant's and the appellant's assertions, therefore the trial court needed to give reasons as to why it did not believe the appellant's assertion in absence of any written proof or a witness to support the complaints' allegations that she gave specific directives to the appellant on how she was supposed to spend the money in question.

Coming to the 5<sup>th</sup> ground of appeal, Mr. Muhingo argued that the appellant testified before the trial court that she gave the money to the people as per the instructions of PW5 and that the list of the names of those people was in the diary which was confiscated by the police officer. He contended that the appellant's testimony aforesaid was supported by the testimony of A/Inspector Steven (PW6) who informed the trial court that he seized from the appellant among other things a diary and on cross-examination he admitted that the diary had details of the expenditure of the money but he

refused to disclose the same.

Moreover, Mr. Muhingo contended that the trial Magistrate's opinion that the appellant fabricated her defence shows that the impugned judgment was reached based on his opinion, not on the evidence adduced in proving the guilt of the appellant as the trial Magistrate did not give any explanations on why he decided to trust the complaint's assertions and not the appellant's testimony. To cement his argument he cited that case of the case of **John Makolobela Kulwa V Makolobela and Eric Juma *alias* Tanganyika [2002] T.L.R. 296** in which the court held as follows:

*"A person is not guilty of a criminal offence because his defence is not believed; rather, a person is found guilty and convicted of a criminal offence because of the strength of the prosecution evidence against him which establishes his guilt beyond reasonable doubt"*

Concerning the 1<sup>st</sup> and 2<sup>nd</sup> grounds of appeal, Mr. Muhingo argued that the trial Magistrate erred for failure to analyze the evidence adduced properly as a result failed to note that the prosecution side did not prove the offence to the required standard as they did not bring any evidence or witness to prove if the appellant spent the money for her benefit. No evidence was adduced to prove that the appellant spent the money in question to buy anything for

her personal use. Mr. Muhingo pointed out that section 258 (2) (e) of the PC defines acts of stealing as taking or converting anything capable of being stolen with intent to, in the case of money, use it at the will of the person who takes or converts it. He went on to argue that in the instant case, the appellant never stole the money, as she never used the money for her own will or even for her benefit. He was emphatic that even the prosecution side did not bring any evidence to that effect instead the appellant testified that she gave the money to the people as per the

Furthermore, Mr. Muhingo argued that the trial Magistrate's analysis and evaluation of the evidence were not properly done as he failed to note that there was no proof that the complainant gave money to the appellant to build a mosque and that she gave her hard cash as no one witnessed the same. The trial Magistrate was supposed to consider the complainant's assertion critically since no reasons were put forward on why the complainant did not give the money for the construction of the mosque directly to Imam Mrisho Abdullah (PW3) as PW5 showed before the trial court she trusted him much. Mr. Muhingo also faulted the trial court for failure not making a finding that the appellant was prevented from defending herself properly for no good cause because her diary was seized by the police officer who did not tender that diary in court as exhibit. He was of the view that looking at the



impugned judgment the trial Magistrate found that the prosecution did not prove its case beyond a reasonable doubt, but found a refuge in the case of **Miller Vs Minister of Pensions [1947] 2ALL ER**, in which it was held that *beyond reasonable doubt does not mean proof beyond a shadow of doubt or absolute certainty*. He went on to argue that the trial Magistrate misdirected himself in comparing a standard of proof in a civil case vis the standard of proof in a criminal case and that the case of Miller (supra) was a civil case, whose standard of proof is on balance of probability. He insisted that the case against the appellant was not proved beyond reasonable doubt as required by the law.

In conclusion of his submission, Mr. Muhingo maintained that all grounds of appeal have merits. He implored this court to allow this appeal and set aside the impugned judgment.

In rebuttal, Ms. Kaima's response to the arguments raised by Mr. Muhingo in the 6<sup>th</sup> ground of appeal was as follows; Mr. Muhigo's argument was misconceived since the appellant had no contract with the complainant and this case is a pure criminal case. It is not civil nature in any way. She went on to submit that the ingredients for the offence of stealing by an agent are well stipulated in section 273(b) of the PC. To cement her argument she

reproduced section 273 of the PC and contended that the appellant was entrusted with the money to a tune of Tshs. 310,000,000/= to buy a house in Kinondoni area worth Tshs. 250,000,000/= for the complainant (PW5) and 60,000,000/= was supposed to be given to the Imam (PW 3) for building a mosque, in Bagamoyo but the appellant did not spend the said money entrusted to her, instead she spent it for her personal needs which means that she stole those monies. Expounding her arguments, Ms. Kaima argued that in an offence of stealing by an agent the most important ingredient to be proved is trust, that is, the accused was entrusted with the property capable of being stolen. She referred this court to the case of **Christina Mbunda V R [1983 TLR] 344, Juma Abdallah Kaombwe Vs Republic, Criminal Application No. 161 of 2020** and **Amani Ally Juma Vs The Republic Criminal Appeal No. 22 of 2022** ( both Unreported). She distinguished the case **James Duru** (supra) from the appeal in hand on the ground that in the former case, the complainant had entered into a contract with the accused person for the supply of goods while in the case in hand the appellant was entrusted with money given to her by the complainant. Ms. Kaima invited this court to dismiss this ground of appeal for lack of merit.

On the 3<sup>rd</sup> ground of appeal, Ms. Kaima joined hands with Mr. Muhingo that

the sentence imposed on the appellant was illegal. She referred this court to the case of **Razaro Andrea Vs Revina Andrea, Criminal Revision No. 02 of 2022** and **Briogeth Chrizant Vs Godfrey George, Criminal Revision No. 01 of 2022** (Both unreported). She implored this court to set aside the sentence imposed on the appellant and sentence her properly per the law.

Concerning the 5<sup>th</sup> ground of appeal, Ms. Kaima refuted Mr. Muhingo's arguments that the learned trial Magistrate ignored the appellant's testimony concerning her diary which she alleged was seized by the police, and her assertion that list of the names of the people whom she gave the money in question was in the seized diary. She pointed out that fortunately at the trial court, the appellant was represented by a learned Advocate who knows properly the procedures on how to procure evidence in possession of the other party. She maintained that if it was true that she intended to use the diary that was seized by the police in her defence she could have made an application to the court to obtain the same with the assistance of her advocate. Moreover, Ms. Kaima submitted that looking at page 4 of the impugned judgment it is quite clear that the learned trial Magistrate considered the appellant's defence but the prosecution evidence was not shaken by the appellant's defence. She maintained that this ground of appeal

has no merit and implored this court to dismiss it.

Ms. Kaima responded to the 1<sup>st</sup>, 2<sup>nd</sup>, and 4<sup>th</sup> grounds of appeal conjointly. Her arguments were to the effect that, the prosecution proved that there were instructions given to the appellant on how to spend the money entrusted to her. She pointed out that PW 1 testified that he heard the complainant (PW 5) giving instructions to the appellant on how to spend the money in question while they were both (PW1 and the appellant) listening to a video call made to PW5 while she was abroad. PW 3 was present when the appellant was instructed to give him (PW3) Tshs. 60,000,000/= for the construction of the Mosque in Bagamoyo. The complainant (PW 5) testified before the trial court that she instructed the appellant how to spend the money she entrusted to her.

The testimonies of the prosecution witnesses on how the money entrusted to the appellant was supposed to be spent was not hearsay evidence as submitted by the appellant, contended Ms. Kaima. Moreover, she argued that the prosecution succeeded in proving the case against the appellant beyond reasonable doubt since all ingredients of the offence that was charged against the appellant as stipulated in section 273(b) of the PC were proved by the prosecution's witnesses. Through the testimonies PW1, PW2, and PW5 the prosecution was able to prove that the appellant was entrusted with

the money in question. PW3, PW4, and PW1 proved before the trial court that the appellant stole the money. She spent it for her personal use with no intention of returning the same.

In conclusion of her submission, Ms. Kaima pointed out that the onus of proof in criminal matters lies on the prosecution side as it was well elaborated in the case **Miller** (supra) and it is the duty of the person who alleges to prove his/her case to the required standards set by the law. She contended that in the case in hand this duty was well discharged by the prosecution witnesses. The trial court found the appellant guilty based on the strength of the prosecution evidence and not on the weakness of the defence case. She implored this court to dismiss this appeal in its entirety.

In his rejoinder, Mr. Muhingo reiterated his submission in chief and noted that Ms. Kaima conceded to the 3<sup>rd</sup> ground of appeal on the illegality of the sentence imposed on the appellant. He pointed out that in the case of **Razaro Andrea** (supra) and **Briogeth Chrizant**( supra), upon making a finding that the trial court sentenced the applicants above the dictates of the law, hence acted ultra vires, the court went ahead to set aside the Primary Court's judgment and the confirmation of the sentence by the District Court and ordered the release of the applicants forthwith. Mr. Muhingo implored this court to make a similar decision as it was done in the two cases cited

herein above by allowing this appeal, setting aside the entire decision of the trial court.

Moreover, he maintained that none of the prosecution witnesses testified that he/she was present when PW5 was giving instructions to the appellant on how she was supposed to spend the money given to her by PW5.

Having analyzed the rival submissions made by Mr. Muhingo and Ms. Kaima, let me proceed with the determination of the merit of this appeal. I will start dealing with the grounds of appeal in the same arrangement as done by Mr. Muhingo. However, I will deal with the 1<sup>st</sup> 2<sup>nd</sup> 4<sup>th</sup> grounds of appeal conjointly as done by Ms. Kaima since all of them are about the analysis and evaluation of the evidence adduced vis -a- vis the standard of proof in criminal cases.

Concerning the 6<sup>th</sup> ground of appeal, I agree with Ms. Kaima that this case is purely criminal. It does not have any element of civil claims and is distinguishable from the case of **James Duru@ Nade** (supra) and **Edward Kisiki** (supra). The prosecution's case before the trial court was that the complainant (PW5) was related to the appellant. She is the daughter of the complainant's sister, so she regards her as her daughter. PW5 stays in the Netherlands, but she has her properties in Tanzania and maintains touch with her relatives and friends in Tanzania. Sometimes in January 2022, she wanted to sell her house located on Plot No.25 Block "B", in Temeke, Dar es

Salaam, and buy a house in the Kinondoni area, Dar es Salaam Region, and donate a sum of Tshs. 60,000,000/= in support of the construction of a mosque in Bagamoyo. Since residing abroad, PW5 instructed the appellant to find a buyer for her house located at Temeke and instructed the appellant to sell the said house on her behalf and the proceeds thereof be used to buy a house in the Kinondoni area, Dar es Salaam Region. The appellant managed to find the buyer for that house ( PW2) and the agreed purchase price was Tshs. 150,000,000/= PW5 issued a power of attorney to the appellant to enable her to sell PW5's house on her behalf. The legal document for the sale of that house was prepared by the learned advocate Peter Bana ( PW1) and the same was admitted in court as exhibit PE5. The proceeds from the sale of the PW5's house to the tune of Tshs. 150,000,000/= was deposited in the appellant's bank account No. No.001300087180001 at Amana Bank – Kariakoo Branch. The deposit slip for payments of the purchase price for the house at Temeke and the appellant's bank statement was admitted in court as exhibits PE4 and PE 7 respectively. Moreover, later PW5 testified that she sent to the appellant a total sum of Tshs.75,000,000/= through Bank transfers to the appellant's bank account mentioned herein and that the appellant received money from PW5's tenants at her house located at Mbezi Beach. The documents evidencing the transfer of funds to the appellant's

bank account were admitted in court as exhibit PE2 collectively. PW5 testified before the trial court that the total amount received by the appellant was Tshs.310,000,000/=.She entrusted her with the amount of money aforesaid to buy for her (PW5) a house at Kinondoni and take Tshs. 60,000,000/= to the Imam in Bagamoyo for construction of the mosque but the appellant did not heed her instructions. She did not do any of the things intended for the money entrusted to her instead she used the money for her personal needs. From the foregoing, I agree with Ms. Kaima that this case is purely criminal. The appellant had no contract with PW5. The facts of this case are different from the facts of the case of **James Duru@ Nade** (supra) in which the complainant had a contract with the appellant for the supply of goods and then upon being paid by the complainant the appellant defaulted to supply the goods as agreed. In this case, the appellant was entrusted with the PW5's money. The fact of this case fits squarely in the ingredients of the offence of stealing by an agent according to sections 265 and 173 (b) of the Penal Code ( " PC") which reads as follows;

*"265. Any person who **steals anything capable of being stolen is guilty of theft**, and is liable unless owing to the circumstances of the theft or nature of the thing stolen, some other punishment is provided to imprisonment for seven years.*



"273. Where the thing stolen is any of the following things;

(a) N/A;.....

(b) *property which has been entrusted to the offender either alone or jointly with any other person **for him to retain in safe custody or to apply, pay, or deliver it or any part of it or any of its proceeds for any purpose or to any person; the offender is liable to imprisonment for ten years.***"

*( emphasis added)*

The prosecution witnesses ( PW1 and PW5) and the appellant's testimony proved beyond reasonable doubt that no contract/agreement between the appellant and PW5 that could have enabled PW5 to lodge a civil case against the appellant. What is obvious is that PW5 trusted the appellant to the extent that she entrusted her to handle her affairs which involved handling a colossal amount of money. Unfortunately, she turned out to be untrustworthy.

Having made a finding that the case was filed in the right forum, let me proceed with the determination of the 1<sup>st</sup> 2<sup>nd</sup>, and 4<sup>th</sup> grounds of appeal. First of all, it is common ground that the standard of proof in criminal cases is beyond reasonable doubt. Since the appellant was charged with the offence of stealing by an agent, the prosecution witnesses were required to prove that the appellant was entrusted with the money alleged that she stole.

According to the evidence adduced by the prosecution witnesses and the appellant's testimony in her defence, there is no dispute that the appellant was granted power of attorney ( exhibit PE5) to sell PW5's house located in Temeke. As alluded to earlier in this judgment, proceeds from the sale of PW5's money were deposited in the appellant's Bank account and PW5 transferred more money into the appellant's Bank account.(Exhibits PE7, PE2 collectively). The testimony of PW5 is corroborated with the testimony of PW1, the learned advocate who witnessed the power of attorney but also was involved in the attempt to buy the house at Kinondoni as per PW5's instructions to the appellant though the exercise was not successful. In her defence the appellant did not dispute that she is related to PW5 and that she (PW5) regards her as her daughter, and the proceeds from the sale of PW5's house located at Temeke were deposited into her (appellant) bank account ( exhibit PE7). Moreover, she alleged that she did not spend the money entrusted to her by PW5 for her personal needs but she gave the money to different people according to PW5's directives and one of those persons is known as Anitha. She claimed that the list containing the names of the people she gave the money was in the diary which was seized by the police officer who refused to give it back to her.

The appellant's defence proves that the money that was entrusted to her for

buying a house at Kinondoni as per PW5's testimony, corroborated by the testimony of PW1 who testified that the proceeds from the sale of PW5's house located in Temeke were not spent for buying the intended house in Kinondoni. The appellant is the one who withdrew those monies from her bank account where they were deposited. So in any case, the appellant cannot escape responsibility for the misuse of the money she was entrusted with by PW5. Mr. Muhingo argued extensively that there was no evidence adduced to prove that PW5 instructed the appellant to buy the house at Kinondoni and make a donation for the construction of a mosque with the money she entrusted her. With due respect to Mr. Muhingo, the testimony of PW1 which corroborated PW5's testimony proves that the instructions made to the appellant by PW5 on how she was supposed to spend the money in question. PW1 testified that when he was making a follow-up on the sale of the house at Temeke and the power of attorney that was issued to the appellant by PW5, PW1 and the appellant had a video call with PW5. PW1 heard PW5 giving instructions to the appellant that she was supposed to spend the money entrusted to her by PW5 for buying a house at Kinondoni and Tshs.60,000,000/= should be handed over to the Imam in Bagamoyo for building a Mosque. For clarity let me reproduce the relevant part of PW1's testimony found on page 13 of the typed proceedings.

*"Asha came to my office, I called Hidayya Sayore in the presence of Asha. It was a video call. In my phone, Hiday told Asha the following ' Asha mwanangu hizo pesa nunua nyumba Kinondoni. Those instructions were issued in my presence. The house was for Tshs.250,000,000/=. She also said Tshs.60,000,000/= should be handed over to Mashehe was Bagamoyo for the construction of a Mosque at Kimara Bagamoyo. She had made a promise to help in the construction of a Mosque and she wanted 60 Million Shillings to go for the construction of the Mosque at Bagamoyo. In my presence, Asha Juma Nombo admitted to have the money and promised to buy the house....."*

During the cross-examination of PW1 by the appellant's advocate, his testimony in respect of the instructions given to the appellant by PW5 was not shaken.

From the foregoing, there is no scintilla of doubt that the appellant was instructed by PW5 to spend the money entrusted to her for buying a house in Kinondoni, Dar es Salaam, and to give to the Imam of Bagamoyo a sum of Tshs.60,000,000/= for construction of a Mosque.

About the 5<sup>th</sup> ground of appeal, I have taken into consideration the arguments raised by Mr. Muhingo that the appellant was denied to use her diary in her defence as the same was seized by the police officers and I find it wanting in merit since, as correctly submitted by Ms. Kaima, throughout

the hearing of the case at the trial court the appellant was represented by a learned Advocate thus, she was capable of following the acceptable legal procedure to obtain that dairy if she wanted to use it in her defence. The appellant has not shown the efforts she made before the trial court in obtaining the said dairy which was seized by the police officer. Under the circumstances, it is obvious that the appellant did not want to use the diary in her defence.

Coming to the 3<sup>rd</sup> ground of appeal, I agree with both Ms. Kaima and Mr. Muhingo that the sentence imposed on the appellant was illegal. According to section 273 (b) of the PC, the maximum sentence for the offence charged against the appellant is ten (10) years imprisonment. Since I have made a finding that the prosecution proved the case against the appellant beyond a reasonable doubt, the remedy for the mistake committed by the trial court is for this court to impose on the appellant a proper sentence as provided in section 273 (b) of the PC. I have taken into consideration the prayer made by Mr. Mhingo that this court should abide by the judgment of this court in the case of **Briogeth Chrizant** ( supra) and **Razaro Andrea** ( supra). With due respect to Mr. Muhingo, the two cases mentioned herein above are not binding to me but are highly persuasive. Not only that, the facts of this case are distinguishable from the facts of the two cases mentioned herein above

since, those cases originated from the primary court, the convicts in those cases were charged with the offence of wounding and it is not disclosed in the judgments the time spent in prison by the convicts before this court revised the Primary Court's judgments. Having considered the appellant's mitigation before the trial court, I hereby set aside the sentence imposed on the appellant by the trial court, and sentence the appellant herein to seven (7) years imprisonment.

In the upshot, this appeal partly succeeds to the extent stipulated herein above.

Dated this 27th day of May 2024



A handwritten signature in blue ink, appearing to read "B.K. Phillip", with a long horizontal flourish extending to the right.

**B.K.PHILLIP**

**JUDGE**