

## PLEAS

The Honorable Lady Justice Atta J Lo was appointed on 6 February 2013 as a resident Judge in charge of Migori High Court station. Before his recent appointment to the bench, the Honorable Lady Justice J Lo had worked her way in the corporate world, for the last 30 years, establishing herself as a global leading authority, consultant and practitioner on company mergers and acquisitions. Upon her appointment, she reported to her new work station and realized that she was the only Judge in the entire Migori County. All criminal and civil trials were brought before her for trial and or for hearing of relevant applications.

On 2 March 2013 a criminal matter came up before her. The recorded proceedings were as follows:-

“Coram

Presiding Honorable Lady Justice J LO.

Court Clerk:- Annet Wilson

Accused persons:- present

Substance of the information read to the accused.

**Statement of Offence**

Murder Contrary to Section 203 of the Penal Code Cap 63

**Particulars of the Offence**

Matt Will and Ms Mrembo Tumaini on 31 July 2012 in Nairobi County Mpaka Road Westlands District of the said Nairobi County at Facepak Bar and Discotheque jointly caused the death of Med Noma by giving him an adulterated drink of an alcoholic beverage called Reeds which drink was laced with a sedative.

Accused No.1 answer to the information....yes we gave her the drink.

Principal State Counsel:- the facts of the case are that on 31 July 2012 at Facepak Bar and Discotheque the second accused person who had been trying to have a relationship with the deceased took the deceased out on what is ordinarily called 'club hopping'. Club Hopping entails moving from bar to bar, drinking, smoking and generally having fun. After a night of hopping from one bar to another, it became apparent to the accused persons that the deceased was not willing to take alcohol and possibly get drunk. However, the 2<sup>nd</sup> accused persons convinced the deceased to take a soda, Fanta Orange. With the aid of the 1<sup>st</sup> accused person, who was the bar attendant on duty at Facepak Bar, the 2<sup>nd</sup> accused person paid for the drink then signaled the 1<sup>st</sup> accused to lace the drink with chlorophylisistic, a known and commonly available anti histamine used to treat allergy but which when mixed with Fanta Orange causes drowsiness and generally impairs judgment of persons who consume it. The said anti histamine had been hidden in a cupboard during the day. Unknown to the 1<sup>st</sup> accused, at about 6.00 pm while the cleaner was cleaning the bar in readiness for the night shift, she placed at the spot where the anti histamine had been kept a substance called polonium. Polonium is very lethal and was placed in the cupboard to kill rats that had invaded Facepak bar from the neighboring Kwa Mwendu Slums. It is the polonium that was dropped by the 1<sup>st</sup> accused person in the deceased's drink causing the deceased's death. That is all your honor. You may treat the accused persons as first offenders.

Accused No.1 yes we did what the Principal State Counsel has just described.

Court:- Accused persons convicted on their own plea of guilt and accordingly sentenced to die by firing squad to be constituted by the Commandant of the General Service Unit at Embakasi in Nairobi.

Dated 2 October 2012”

You are now instructed by the convicts to prepare the necessary instrument and documentation of appeal to appeal against the conviction and sentence. Prepare the necessary papers.

With the help of relevant authorities, each Firm member should be ready to argue for and against the appeal.