

The judge ruled that Molly must explain how her DNA came to be predominantly deposited on the firearm. The prosecution says Molly's DNA being the more predominant on the trigger house means that she used the gun to commit the murder.

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The High Court has placed Molly Katanga on her defence in connection with the 2023 killing of her husband, prominent Kampala businessman Henry Katanga.

The court found the prosecution had established a prima facie case requiring Molly to explain seven critical pieces of evidence linking her to the fatal shooting.

In a ruling delivered yesterday, Justice Rosette Comfort Kania of the High Court in Kampala held that the circumstantial and forensic evidence presented by the State was sufficient to require Molly, who has been on remand at Luzira Prison for over a year, to respond to the charge of murder.

"Therefore, I find that the prosecution evidence establishes a prima facie case against A1 requiring her to offer an explanation. Consequently, I put A1 on her defence on the indictment of murder," Justice Kania ruled.

She advised the accused that she has three options in presenting her defence, namely to give sworn testimony and be cross-examined, to make an unsworn statement without cross-examination, or to remain silent.

Doctrine of "last seen"

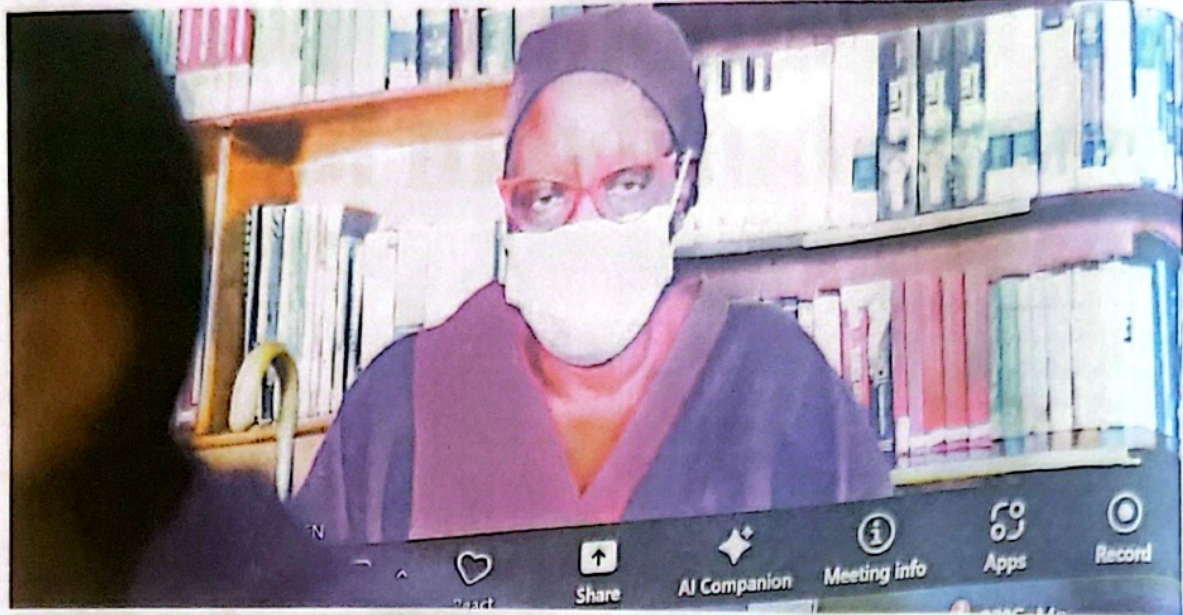
Central to the court's decision was the doctrine of "last seen." The judge cited testimony from domestic worker George Amanyire, who told court that on the night preceding the shooting, only Molly and the deceased were in the master bedroom, and the door was locked.

Amanyire testified that after hearing a scuffle, he rushed to the bedroom but was told by the deceased to go away. The court noted that no evidence was presented explaining how the locked door was eventually opened.

"AS (Amanyire) had testified that A1 (Molly), and the deceased (Katanga) had spent a night together leading to that fateful morning in their master bedroom and that the door was locked. Prosecution also relied on the evidence in a plain statement of Molly where she said she spent a night with the deceased," the judge said.

Adding: "That when he (Amanyire) heard a scuffle in the master bedroom, he dashed there and when he reached the doorway, the deceased told him to go away, so the question is how the door was opened. No evidence was laid to show the same. It's important for the court to establish how the door was eventually opened and that evidence can only be provided by A1 (Molly)."

The judge also referred to Molly's own statement in which she confirmed spending the night with her husband. The court held that as the last person seen with the deceased before his death,



Molly Katanga following the proceedings of court via zoom link from Luzira prisons yesterday. Court ruled that she has a case to answer in the murder of her late husband Henry Katanga. PHOTOS / ABUBAKER LUBOWA

7 questions High Court asks Molly to answer



Relatives of the late Katanga welcome the court ruling at the High Court in Kampala yesterday.

she bears the responsibility of explaining the circumstances under which he was shot.

Molly's DNA on the killer pistol

The court also relied on forensic evidence presented by the acting police forensics director, who testified that analysis of the suspected murder weapon revealed a mixed DNA profile of three individuals.

However, Molly's DNA was found to be the most predominant on the trigger area of the pistol. The other profiles matched the deceased, who was the registered owner of the gun, and one of the daughters, Patricia Kakwanzu.

The judge ruled that Molly must explain how her DNA came to be predominantly deposited on the firearm.

"According to the prosecution, the Mol-

THE SEVEN QUESTIONS MOLLY MUST ANSWER

1. Doctrine of "last seen"
2. Molly's DNA on the killer pistol
3. Gunshot residue
4. Injury to her small finger
5. Conduct after the shooting
6. Claim of a traffic accident
7. State of the crime scene

ly) used the gun to commit the murder," the judge ruled.

"Molly should be tasked to explain how her DNA ended up being deposited on the pistol," she added.

Gunshot residue

Swabs taken from Molly's palms tested positive for gunshot residue. While the defence argued that such residue could transfer through secondary contact, but the court found that its presence sufficiently connected her to the shooting and required an explanation.

"Court finds that the presence of gunshot powder on the palms of A1 (Molly) sufficiently connects her to the incident in the manner that requires her to explain the circumstances under which those substances were found on her," the judge ruled.

Injury to her small finger

The prosecution also presented medical evidence that Molly had a cut on the tip of her small right finger, which a doctor examined about seven days after the incident.

The State contends that the injury was caused by improper handling of the pistol during firing. Justice Kania observed that firearms can cause injury if mishandled and ruled that the accused must explain how she sustained the cut.

"Dr Byaruhanga (Moses) had examined her after seven days and discovered her with a cut figure. It claimed that the cut figure was by the pistol pointing to the fact that she didn't know how to use the pistol," the judge said.

Adding, "Court finds that if a gun is not handled properly during firing, it can cause an injury. Court therefore needs an explanation about the circumstances surrounding the injury on the tip of the small right finger."

"A1 (Molly) needs to explain how the finger got injured. Court finds that the injury while taken together with the testimony of PW11 is not handled well. A gun can cause an injury during firing, requires A1 to provide an explanation around the circumstances surrounding the injury of the right tip of the finger."

Conduct after the shooting

The court further considered Molly's conduct following her husband's death. Witnesses testified that while admitted at International Hospital Kampala (IHK), she declined to record a statement with police, citing ill health.

Police officers told the court they were repeatedly denied access to her on claims that she was in intensive care until the Director of Public Prosecutions sought intervention from the Ministry of Health. An independent medical team later found her fit to record a statement.

The judge noted that this reluctance to explain the circumstances of the death at the earliest opportunity was inconsistent with the conduct expected of a grieving spouse.

"It was stated that A1 (Molly) declined to record the statement from the time of the demise of her husband despite several attempts, stating that she was unwell and could not record a statement," the judge held.

She added, "PW23, testified that on several occasions the police were denied