

Ex-Mukono DPC escapes execution, gets 40 years in jail

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KAMPALA. Former Mukono District police commander James Peter Aurien has survived the hanging punishment after Court of Appeal reduced his death sentence to 40 years in jail.

Two justices of the Appeal Court Remmy Kasule and Augustine Nshimye upheld Aurien's murder conviction but reduced his death sentence on account that he has a chance to reform.

"His children and mother need care and love of their father and he has already reformed," the judges

ruled. However, they observed that Aurien's threats before the shooting of his wife Christine Apolot, which was targeted at a very vital part of the body proved that he had malice aforethought to murder.

The judges also faulted the High Court judge who handed Aurien the harsh death sentence, saying it was unjustified. They ordered that the 40-year jail term be counted from the date when Aurien was convicted in the High Court in 2010.

Differing opinion

However, in a dissenting verdict, their colleague Justice Rubby Aweri Opio held that Aurien deserved ac-

quittal since investigators ignored the other possible ways how the deceased could have died.

The death

"According to the investigations, the deceased could have been accidentally murdered or could have shot herself," Justice Aweri observed.

"High Court judge [Lawrence] Gidudu while passing down the sentence was not mindful of the evidence that was adduced by the prosecution. The finger prints were not brought in court to show that Aurien had pulled the trigger that killed his wife," Aurien's lawyer Mr Dalton Oponya had argued in the grounds of the appeal.

Despite surviving the execution, Aurien said he would further appeal the 40-year jail term in the Supreme Court, the highest appellate court in the country. Mr Aurien was sentenced to death in November 2010 for murdering his wife Christine Apolot. High Court Judge Lawrence Gidudu held that there was sufficient evidence to prove that Aurien, then aged 56, killed wife intentionally. Aurien appealed the sentence in the Court of Appeal.

During the trial in the High Court, prosecution witnesses testified that Aurien had vowed to kill his wife because he suspected her of having an extramarital affair.