

**THE STATE**

**versus**

**NKULULEKO MOYO**

IN THE HIGH COURT OF ZIMBABWE  
MOYO J  
HWANGE 11 MARCH 2014

*Mrs Ngwasha* for the state  
*Mr T. Mukuku* for the accused

Criminal Trial

**MOYO J:** The accused person is charged with the offence of murder as defined in section of 47 of the Criminal Law (Codification and Reform) Act [Chapter 9:23]. In that on the 14<sup>th</sup> of March 2011 at or near a bushy area in Victoria Falls, he killed Sharon Sibanda. The facts of the case are all common case as encompassed in the state outline. The State outline was marked Exhibit 1. The accused person is alleged to have taken the minor child Sharon Sibanda from her home on the 14<sup>th</sup> of March 2011 and later killed her by crushing her head with a stone at a bushy area between Chinotimba and Zambezi River gorges. The accused person tendered a defence outline which was marked Exhibit 11. A post-mortem report was prepared by Dr. Casteiianos and it gives the cause of death as a depressed skull fracture, head injury, assault. The post-mortem report was admitted and marked Exhibit IV. In his defence outline the accused pleads not guilty to murder by reason of insanity. Dr Poskotchinova prepared a report on the mental state of the accused person, the report states that the patient suffers from psychosis, and was not stable at the time of commission of the crime. She further states that the accused has a history of abnormalities and epilepsy. He also has a history of drug abuse. She concluded that at the time the alleged crime was committed there is a reasonable possibility that accused was suffering from a mental disorder. The state properly accepted the plea of insanity if one looks at the psychiatrist's report. Dr Poskotchinova,s medical affidavit was admitted and

marked Exhibit 111.

I accordingly return a special verdict in terms of section 29 of the Mental Health Act [Chapter 15:12]. The accused person shall further be committed to Mlondolozhi Mental Prison as he is a danger to society.

*Criminal Division, Attorney General's Office, state's legal practitioner  
Marondedze, Mukuku, Ndove and associates, accused's legal practitioners*