

## SUMMARY OF JUDGMENT

### INTRODUCTION:

This appeal centers on Criminal Law and Procedure.

### FACTS:

The appeal is against the decision of the Court of Appeal, Port-Harcourt Judicial Division which affirmed the conviction for murder and the sentence of death passed on the appellant by the High Court. The case against the appellant was that on 30th December, 1980, he was seen with two women walking out of Afikpo town. The women were each carrying a basin and the appellant had a hammer in his hand. The following day both women were discovered dead in a bush near Mgbede Akaeze. Following the discovery of the bodies, the people of Mgbede Akaeze alerted their councillor who in turn sent for the police. After the bodies were removed to Okigwe hospital, the people of Mgbede Akaeze assembled for the purpose of finding out what caused the death of the women. Some of the villagers who saw the appellant with the women the previous day told the gathering what they saw. The appellant, who was there, attempted to run away but was restrained. He then pleaded with the villagers not to report him. He even gave N250.00 gratification to the crowd not to report him. The appellant and the N250.00 were however eventually handed over to the police at Okposi where he was detained. The appellant was at the Afikpo High Court, former Imo State, charged with murder, under Section 319(1) of the Criminal Code. He was convicted and sentenced to death. His appeal to the Court of Appeal, Port Harcourt was on 16th October, 1990, unanimously dismissed. Dissatisfied with the judgment of the Court of appeal, the appellant further appealed to the Supreme Court.

#### ISSUES:

The appellant formulated three issues for determination which was adopted by the respondent:  
"(i) Can the conviction of the appellant be said to have been reasonable, warranted and justified having regard to the weight of evidence before the learned trial Judge with particular reference to the evaluation of the evidence of P.W.5?  
(ii) Did the admissions in Exhibits "A", "A1" and "B" "B1" relieve the prosecution of its duty to prove the case against the appellant on its own beyond reasonable doubt?  
(iii) Did the court interpret Section 185(3) (sic) C.P.O. (sic) correctly?"

#### DECISION/HELD:

In the final analysis, the Supreme Court found no merit in the appeal and same was accordingly dismissed. The conviction and sentence by the trial Court affirmed by Court of Appeal were further affirmed.

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