

**IN THE CIRCUIT COURT 3 HELD AT ACCRA ON WEDNESDAY THE 26TH DAY
OF OCTOBER 2022 BEFORE HER HONOUR SUSANA EDUFUL (MRS.), CIRCUIT
COURT JUDGE**

CC: D2/354/2018

THE REPUBLIC

VS.

ELIZABETH ARTHUR ADJEI @ MAA LIZZY

DANIEL OPARE ASIEDU

EMMANUEL KOFI DADZIE

PRINCE ARMAH @PAA KWESI

FACTS OF THE CASE

The brief facts as given by Prosecution are that “The complainant in this case, Benjamin Kofi Okyere, is an electrician residing at Dawhenya whilst the accused persons are Elizabeth Arthur Adjei (aka Maa Lizzy), is the Proprietress at God Kids orphanage at Kasoa where she resides (A1); Prince Armah (aka Paa Kwesi), currently at large, is a Driver (A4); Daniel Opare Asiedu, residing at kokomlemle, is a Lawyer (A2); and Emmanuel Kofi Dadzie is a Social worker residing at Winneba (A3). A1 is the mother of A4 and A4 is the friend to the Complainant. In April 2015, A4 informed the complainant that there 2 was a job opportunity for a family in Canada and that he was looking for a family to take the opportunity, to which his mother, A1, was to facilitate the travel process and documentation. The

complainant expressed interest and was introduced to A1 by A4. The complainant was asked to pay GHC5,000 which would be used to procure their passport and other travel documents, for which he was able to pay GHC 4,400 as part payment. A1 then introduced A2 to the Complainant as her director who will assist in the necessary documentation. After a while, A1 informed the complainant that his wife could not travel since she was pregnant but could travel only after delivery. The Complainant also had problems with his passport and could only travel three (3) days after the problem had been resolved. Their son however who was a year and half old could travel and that the white man to take them to Canada would go ahead with the boy. After three days, had elapsed and a whole month had passed with no information being relayed to the complainant, he confronted A1 and A4 and he was directed to A2. When he went to A2 and he was given a document by A2 to keep until his travel documents were ready. The Complainant upon showing the document to his friend came to the realization that his son had been adopted. The complainant then lodged a report to the Devtraco Police Station which arrested A1 and A2 were arrested. A2 mentioned that A3 was the one who assisted in the adoption process to where upon A3 was also arrested. After the arrests, A1 refunded to the police a sum of GHC 4400 and a Ghanaian passport with number G1175955 3 belonging to the complainant and promised then to return the child within a month.

On the 15th of November 2016 the case was referred to the anti-Human Trafficking Unit for investigation. The case docket together

with A1, A2, A3 and A4 were brought to the unit. In the course of investigation, A1 indicated to the police that it was the wife of the complainant who approached her to help her put her son up for adoption based on which she directed her to A2 for assistance and that she had nothing to do with the adoption process. A2 also indicated to the police that his foreign clients requested him to help adopt a child from Ghana, based on which he contacted A1. He said A1 told him that a boy named Jeffrey was available. He added that with the assistance of A3 he went through the legal procedure to get the boy adopted. He further indicated that he did not know the complainant until after the adoption process but could not terminate the process because of his credibility. A3 also indicated that during his work as a probation officer, woman presented to him to be investigated as the mother of Jeffrey Okyere is different from the wife of the complainant. A4 also told police that it was the complainant who asked for help to put his son up for adoption and he led them to his mother for her to help them. After investigations, the accused persons were charged with the offences in the charge sheet.”

On August 28, 2018, The plea of 1st Accused (A1), 2nd Accused (A2) 3rd Accused (A3) were taken and they all pleaded not guilty to the charges proffered against them. The Accused Persons were therefore granted bail for them to appear in court for prosecution. After the Plea was taken A3 stopped attending court on February 26, 2019. On January 28, 2020, the plea of A1 and A2 were re-taken as the court

was differently constituted and both Accused Persons pleaded not guilty to the charge proffered against them. The court, on October 15, 2020, directed that A1 and A2 will be tried separately to avoid delay as the 3rd Accused could not be arranged before court for prosecution.

The **Evidence Act, 1975 (N.R.C.D. 323) Section 11(2)** states that the burden of producing evidence when on the prosecution requires it to adduce sufficient evidence so that on all the evidence, a reasonable mind will find the guilt of the accused beyond reasonable doubt. The accused under section 11(3) of the Act is only required to raise a doubt. If he succeeds in doing this, the doubt should be resolved in his favour.

In **C.O.P. v. Antwi [1961] 1 GLR 408 SC**, the Court held in holding that: "The fundamental principles underlying the rule of law are that the burden of proof remains throughout on the prosecution and the evidential burden shifts to the accused only if at the end of the case for the prosecution an explanation of circumstances peculiarly within the knowledge of the accused is called for. The accused is not required to prove anything; if he can merely raise a reasonable doubt as to his guilt, he must be acquitted."

EVIDENCE OF PW1

PW1 is Benjamin Okyere, an electrician living at Ososhie in Dawhenya where he runs a drinking bar. He is the Complainant in this case. He's been married to Comfort Arthur for the past four years and blessed with three children. According to PW1, the Fourth Accused Person, Paa Kwesi, patronizes his drinking bar and this led to creation of friendship between them. In July 2015, Paa Kwesi came to him at the spot and discussed with him and his wife a job opportunity in Canada. Paa Kwesi assured them that they will be able to travel as a family. He informed them that it was his mother, the First Accused, who was in charge of documentation and so promised to bring her for further interaction on the issue. Paa Kwesi's mother, the First Accused Person, came to the house the next day and had interaction with them about the opportunity to travel abroad. She informed him of the need to acquire three passports for the family, including Jefferey Okyere their son, and also to pay a cash amount of GHC 5,000.00. The next day A1 took them to Kasoa for laboratory testing to check their health. She took an amount of GHC4,400.00 from him to acquire their passports. His wife became pregnant and he was informed that the white man in charge of the program was in Ghana but due to his wife's pregnancy she will not be able to travel with them. She also informed them that documentation for their infant son was ready and so he could take the lead and Complainant was to follow after three days. Before this, A1 took his wife (PW2) to sign certain documents that needed to be signed before their travel documents could be processed. That three days after their son had

left, he went to see A1 to ask about his trip and her response was that he should wait for a month. After a month, he went again and it was another story. First Accused eventually directed him to go to Lawyer Daniel Opare Asiedu, A2. When he met A2, he was given some documents but could not read it. He sent them to Elizabeth and she told him to keep them safely and not to show them to anyone until his travel documents were ready. He gave the document to his friend Nana Bediako who made him understand that he had given his child away for adoption. He reported the matter to the Devtraco police and they arrested A1 who gave them his passport and the amount of GHC 4,400.00 She promised to return his son within a month but all efforts at finding the son have proven futile. A petition was later made to AHTU CID HEADQUARTERS where a statement was submitted and filed in the docket. He submitted to the police the following documents of birth certificate of his son, Adoption order and photograph of Comfort Arthur, Jefferey Okyere and the adoptee parent.

EVIDENCE OF PW2

PW2 is Comfort Arthur, the wife of PW1. According to her, in July 2015, her husband, the Complainant informed her that Paa Kwesi A4 who lives in their area informed him that his mother by name Maa Lizzy can assist send the whole family to Canada at the cost of GHC 5,000.00. PW2 expressed interest so the following day, PW2 and her husband were at home when Paa Kwesi came to their house to introduce Maa Lizzy, and Maa Lizzy's driver to them. At the house,

Maa Lizzy (A1) confirmed the story of the PW2's husband and indicated to them that all they need to do was to pay GHC5,000.00 for the whole family to be relocated to Canada. Maa Lizzy suggested that the two go with her to Kasoa where she lives to enable them know her better. Since it was too late for PW1 and PW2 to go with Maa Lizzy that very day Maa Lizzy sent her driver to pick them together with their son Jeffery the next day to her house in Kasoa.

On that day, they were all sent to the laboratory for testing to ensure that they had no ailments. PW2 further stated that to continue the process, Maa Lizzy sent them to the passport office and assisted them to acquire their Ghana Passport after taking GHC4400.00 out of the agreed GHC5,000.00. PW2 was called one day and informed that the Whiteman in charge of the program was in Ghana but unfortunately since she was pregnant she would not be able to travel with her husband and her son Jeffrey Otchere. Maa Lizzy further informed PW1 that there was an error on his passport which needs to be rectified but Jeffrey's document was through so Jeffrey will travel 8 abroad ahead and his father PW1 who will follow after 3 days. Then after delivery she, PW2, can then follow. PW2 initially disagreed but since Maa Lizzy confirmed that PW1 will follow after 3 days PW2 agreed to the proposal. Before the Whiteman came to Ghana Maa Lizzy went to their house to tell PW2 that there is a document she has to sign but it should not be in the presence of PW1. A date was fixed and PW2 went to the Swedru Court with A1 and A2, the Lawyer. At the court PW2 was made to thumbprint a document and thereafter, she was told the family will spend 18 years in Canada.

Three days after Jeffery Otchere left for Canada, PW1 went to A1 to find out about his departure to Canada. PW1 then came to inform PW2. A1 indicated to him that PW1 will leave in a month's time. After a month, A1 continued to give PW1 'stories'. A1 later directed them to A2 in his office at Kwame Nkrumah Circle. On the day, the two went to A2's office at, A1 was with A2 in the office and PW1 was given some documents but was warned not to show the said document to anyone. Since neither PW1 nor PW2 was literate, they did not know the content until the said document was shown to one Bediako, PW1's friend, who upon reading, indicated that the said document was an adoption order indicating that Jeffery Otchere had been adopted as was explained. This revelation surprised PW2 as nothing of the sort was discussed between PW1 and PW2 on one hand and A1 and A2 on the other hand. Subsequently, her husband went to report the matter to the police.

EVIDENCE OF PW3

PW3 is Detective Corporal Emmanuel Gyamfi Yeboah. He is stationed at Anti-Human Trafficking Unit/CID. He stated that he knows the Accused Persons and the prosecution witnesses. According to PW3, on 15th November 2016, a petition was submitted by complainant at the Anti Human Trafficking Unit. He stated that the same case was initially reported at the Dafraco Police Station. The Complainant indicated in his reported that Maa Lizzy and her son had given up his son for adoption without his knowledge and had also collected his GHC4,400.00 to send his family to Toronto but had failed. PW3,

in investigating the matter, took statements from the complainant and the other witnesses. The Complainant also provided a birth certificate of his son done for him by A2, Daniel Opare Asiedu. Complainant has also provided the adoption order from Agona Swedru Circuit Court handed to him by A2, which according to PW3 was obtained by A2 without his consent, as well as a consent to adoption order and pictures of the 2-year-old Jefferey Okyere.

PW3 arrested Maa Lizzy and Prince Armah and took investigation caution from them. A1 indicated to PW3 that she has refunded the amount of GHC 4,400.00 and she subsequently also returned the passport to the complainant. The Complainant confirmed this assertion of A1. During the investigation, A1 mentioned A2 as the person who facilitated the adoption process. This led to the arrest of A2 who admitted facilitating the process when A1 introduced the boy and his mother to A2. A2 also said that the boy is with his clients Antonio Skraba and Tadeja Matos. 10 A2 mentioned that A3 was the probation officer for the adoption of the boy. A3 was also arrested and investigation caution statement taken from him. A3 admitted in his statement that the Agona Swedru Circuit Court per adoption application from A1 and A2 directed him to submit social enquiry report on the child. He also stated that the mother of the child, an 18-year-old Comfort Arthur whom he met during his inquiry is not the same as Comfort Arthur the real mother of the child.

PW3 further stated that upon the social inquiry report the Agona Swedru Circuit Court granted the adoption of the complainant's son

without his knowledge. PW3 visited the Swedru Court with PW2 the mother of Jefferey Okyere and she led him to an office where she alleged A2 and A3 took her to the Court to sign some documents. And that the said room was not a court room.

PW3 verified the adoption order to be authentic by writing through his Commander to the Agona Circuit Court to confirm the order. According to PW3 the investigations revealed that the accused persons conspired to give away Jefferey Okyere for adoption without the consent of his biological parents. A1 and A2 introduced a different person as the mother of the child who appeared before the Agona Swedru Circuit Court.

On October 15, 2021 the court established that Prosecution had made a prima facie case against A1 and A2 and therefor called upon them to open their defense.

THE 1ST ACCUSED PERSON'S EVIDENCE

In defense, A1 told the court that she is the founder and manager of God's Kids Needy Center, a children's home at Kaso. She got to know A2 when he was the Regional Director of Social Welfare in the Central Region. She got to know PW2 in 2015 through his son Paa Kwesi, A4. A4 informed her that PW2 is a single parent who wanted to give her son out for adoption. According to A1, PW2 indicated to her that she has two children with PW1 and he refused to take responsibility of

the children. After PW2's request, A2 contacted A1 on the availability of a boy child for adoption by a Slovenian couple.

A1 informed A2 about PW2's request. A1 subsequently took PW2 to A2's office at Kokomelemele for an interview and signing of consent documents. A2 afterwards confirmed to A1 that PW2 consented in writing that A2's client adopts her child and take him abroad. A2 denied ever discussing the travel to Toronto with PW2 after the adoption to live with the adoptive parents. According to A1 she did not meet with PW1 throughout the adoption process which ended in November 2015.

According to A1 the first time she spoke with PW1 was when PW1 quarreled with PW2. PW1 subsequently went to A1 to assist him travel to Saudi Arabia or Qatar. A1 introduced PW1 to one Ahaji who was the organizer of the trip and operated a travel and tour. A1 stated that she was aware that PW1 paid an amount of 12 GHC4,400.00 for the documentation and his particulars were taken. It was around June 2016 when A2 called A1 that PW1 had called him to complain of the delay in his travel to Qatar. A1 told A2 to direct PW1 to exercise patience. A1 also indicated to the court that at the time she got to know PW1, PW1's son had long been removed from the country by his adopted parents.

Two months after A2 called A1 about PW1's complaint, PW1 reported the matter to the Deftraco Estates Police station for a refund of his GHC4,400.00 paid to A1. Then PW1's position was that he wanted a refund of his GHC4,400.00 which was quickly arranged and paid to

the Complainant. A1 told the court that she was not present at the hotel where PW1 handed his son over to the adopted parents. A1 emphasized that the adoption of PW1's son and his travel to Qatar were two separate transactions and therefore mutually exclusive.

THE 2ND ACCUSED PERSON'S EVIDENCE

In his defense to the charge stated A2 in his witness statement:

"My name is Daniel Kwame Opare Asiedu. I live at Akporman Abokobi in the Ga East Municipality and I am a Private Legal Practitioner. My main area of practice has been Family Law due to my Social Work background.

I know the 1st Accused person. She is a proprietor of a Residential Home for children. I met her for the first time on one of my routine 13 inspection tours of Children Residential Homes in the Central Region as Director of Social Welfare in that Region.

I know the Complainant. I got to know him after his son had been adopted by my Slovenian clients in November 2015. I got to know him in person in or around the month of April 2016.

The Complainant's wife (PW2) was introduced to me in my office by the 1st Accused. She had agreed to give out her child to my Slovenian clients for adoption. She was brought to my office by the 1st Accused for interview and execution of consent to Adoption form.

PW2 subsequently visited my office on several occasions all by herself to do one thing or another in connection with the adoption of her son.

My interactions with her centered on the adoption of her son and nothing else.

The Adoption of Complainant's son was one of three adoptions I was working on at that time. The other children were also being given out for adoption by their biological parents. Indeed, all the three Adoptions were granted on the same day (6th November 2015) and all the children have been moved to Slovenia and are living happily there. At no point in time did I discuss with PW2 any travel plans to Toronto.

I first filed the three Adoption applications at the District Magistrate Court at Winneba on the 1st day of September 2015. On the return date of the applications, PW2 was at the court in Winneba. The applications were adjourned because some of the Family Tribunal 14 Panel members did not appreciate the adoption procedure.

I formally discontinued the applications at the Winneba District Court and reapplied to the Circuit Court at Agona Swedru.

The three applications were heard on the 6th Day of November 2015 at the Circuit Court at Agona Swedru and granted. PW2 was present in court in person on that day. The judge quizzed her to ascertain whether she freely gave her consent to the adoption and she answered in the affirmative. Find attached herewith the record of proceedings from the Court marked as EXHIBIT "DKOA-1"

The adoption orders were drawn, and I attested them at the office of the Judicial Secretary and at the Ministry of Foreign Affairs. Find attached a copy of the adoption order marked as EXHIBIT "DKOA-2"

Subsequently, my client requested for an Order from the Court verifying the finality of the Adoption Order granted them and that the authorities in their Home country needed it to process the child's documents before his removal. I applied for this and same was granted by the Court on 27th January 2016. Find attached herewith a copy of the said Order marked as EXHIBIT DKO A-3.

In addition to the attested Orders, I needed to attest the Child's birth Certificate and Social Enquiry Report (SER) which were needed by my clients to procure emigration documents for the child.

There was a long delay in procuring the Complainant's Child's birth Certificate at the Birth and Death Registry at Dodowa. I personally followed up on the birth certificate at Dodowa. At a point, I was asked to bring PW2 so I arranged for her to meet me at the Birth and Death Registry on a couple of occasions. In all this, I was paying for her transportation cost and other expenses. I remember on one occasion in Dodowa, PW2 told me she was living in Dawenya with the grandmother. Find attached herewith the birth certificate marked as "EXHIBIT DKO A-4"

After the procurement of the Birth Certificate, there was the need to get an Adoption Birth Certificate in the names of my clients done at the Births and Death Registry in Accra. But I encountered a lot of challenges at the Birth and Death Registry in Accra resulting in my

clients sending an email through me to the Registrar of Birth and Death Registry appealing for the issuance of the Adoption Birth Certificate. Find attached a copy of the email marked as EXHIBIT "DKOA-5"

I spoke to the complainant for the 1st time when I called PW2 on the matter of child's birth certificate but surprisingly the complainant picked the call and disclosed he was the father of the child and that he was aware of the adoption of his child and wanted to know why it had taken so long for my clients to come for the child. He had heard that the other two children whose adoption were granted the same day as his child had long left the country.

Indeed, between the months of April and May 2016, the Complainant was calling me incessantly to enquire about when my clients would come and take his son away to Slovenia. On the 9th day of May 2016, the Complainant and PW2 came to my office at No. 23 Akpakpa Street, Kokomlemle to thank me and enquire when their child was leaving to Slovenia. They expressed the wish to have their first child also adopted. So I took a picture of the elder child attached herewith the photos marked as EXHIBIT "DKOA-6" series.

All the documentations for the removal of complainant's child were eventually completed and my clients informed me that they have been able to procure the child's temporary passport and other documents to enable them remove him to Slovenia. The Adoptive parents arrived in Ghana on the 20th day of May 2016 and lodged at a Hotel at North Legon. I informed the Complainant and PW2 about

my client's arrival and they were elated. I told PW2 to meet me at Atomic junction with the child the following day so we could meet my clients at their hotel.

When I spoke to PW2, the complainant also spoke to me and said he wanted to come along with PW2 to meet the Adoptive parents. I told him he could come along but he could not meet the adoptive parents because he had never been in the picture from the commencement of the adoption process until its completion and I will not be comfortable now introducing him to my client as the father of the 17 child who has suddenly appeared from nowhere. The Complainant understood my position.

I picked complainant and PW2 with the child at the Atomic Junction and sent them to the Hotel at North Legon or Agbogba. They came from Dawenya that morning. The complainant agreed to wait at the reception of the Hotel while I go with PW2 and the child to my clients' room to meet them. My clients were very happy that at long last they were able to meet their adoptive son. They spent time playing with the child who was running all over the place. I took photos of my clients with PW2 and the child. I attached herewith photos I had taken at the Hotel marked as EXHIBIT "DKOA-7" series.

After staying and interacting with my clients for close to an hour, PW 2 and I left my clients' Hotel room without the child who was happily in the arms of my clients. We descended to the reception to meet the complainant and I drove them back to Atomic Junction to pick a vehicle back home.

My clients informed me when they arrived in Ljubljana, Slovenia that they spent a few more days in Accra visiting places of interest with the child before their departure. They told me how they had bonded so well with the child those few days.

A couple of weeks later, the complainant called me on the phone and requested for the telephone number of my clients so he could call them from time to time. I refused to give him my clients' contact because I did not have my clients' permission to do so. Instead, I promised to give complainant a copy of the adoption form which his wife had executed for record purposes. My secretary, Miss Elizabeth Adubra, made a photocopy of the consent form and gave it to the complainant.

A few weeks later, I was home when the Complainant called to inform me that he had an arrangement with the 1st accused to travel to Qatar to work as an Electrician. He told me that he borrowed an amount of GHC 4,400.00 from an uncle to pay for the fee involved. He complained that the trip has delayed and thought that there was something amiss, so he solicited my intervention since he was not getting through to the 1st Accused on the phone.

I called the 1st Accused later and conveyed the Complainant's concerns with her. The 1st Accused indeed confirmed that there was an arrangement for the Complainant (not PW2) to travel to Qatar with a group of other tradesmen to work. She confirmed the complainant had paid GHC4,400.00. She told me the money was given to one Alhaji who operates a Travel and Tour Agency. The 1st Accused in

turn complained to me about the complainant's impatience and incessant calls and that the complainant has been at the Alhaji's office to complete certain forms.

When the complainant called me again, I told him what the 1st Accused had told me. But a few weeks later, I received an invitation from the Police at DEFTRACO Estate Dawenya that the complainant and PW2 had lodged a complaint against 1st Accused and my good self-concerning the adoption of his son and an abortive trip he and PW2 should have made to Toronto following the adoption of their son.

I went to the police and gave a detailed statement about the circumstances leading to the adoption of the complainant's son and that the adoption had nothing to do with his alleged travel to Toronto and that if complainant and PW2 claim that the arrangement was for them to go and live with the adoptive parents and work there then it is not my clients since my clients do not live in Toronto, Canada.

At the police station, the 1st Accused told me she had returned complainant's money and a passport which was procured for the complainant to him through the police.

Having received his money, the Complainant shifted from the demand for his money to the return of his son whereupon the police tried to persuade me to do my best to bring the complainant's child back to him. I made it clear to the police that it was impossible for me to do so since the child was no longer the complainant's child and moreover the child's nationality had changed from Ghanaian to Slovenian.

A couple of months later, I was invited to the Anti-Human Trafficking Unit (AHTU) at the police headquarters. I gave my investigation caution statement on a complaint of child stealing and defrauding by false pretense. I was subsequently charged with the offences.

Subsequently, I was invited again to the AHTU by the investigator and informed that per advice from the Attorney General's 20 Department, the charge of child stealing has been dropped and he has been instructed to charge the 1st Accused and I with the offence of defrauding and abetment of crime.

The period between the transfer of the docket from Dawenya Police to Anti-Human Trafficking Unit at the Police CID, Headquarters, and commencement of prosecution in this court saw a lot of activity by complainant and his wife to create the false impression that my clients had stolen their baby and sent him abroad and that 1st Accused and my good self were accomplices.

The Complainant and his wife had visited a couple of Radio Stations notably, Hot 93.9 FM to complain that some white people had stolen their baby and sent him abroad. They created the impression that they were deceived into handing over their child to my clients.

I recall one of the Radio presenters calling me on phone to inquire about the issue. I explained to him the circumstances leading to the adoption. I also recall another journalist came to meet me in my office and I explained in detail the adoption procedure.

The complainant with the assistance of some persons in the media launched "Bring back our child" campaign on Ghana Web online on 27th December 2016. See a printed copy of the article on Ghana web marked as "EXHIBIT DKOA-8"

I want to state clearly that I did not enter into any agreement with the complainant and PW2 to send them to Toronto as being alleged. They were not and have never been my clients. As a lawyer, my clients 21 paid me my legal fees and I had no reason whatsoever to aid 1st Accused to allegedly defraud complainant of a paltry sum of GHC 4,400.00. The attempt to robe me into this is malicious.

I did not know any such arrangement between the complainant and the 1st Accused at the time I was making the adoption application for and on behalf of my client, Daniel Antonio Skraba and his wife. I had knowledge of this alleged travel of complainant to Toronto six (6) months after the adoption process had been completed.

The adoption I did for my clients had nothing to do whatsoever with the alleged agreement between the 1st Accused and the complainant to travel to Toronto. Indeed, from September 2015 when I first filed the adoption application up until April 2016, I had not met or interacted with the Complainant personally."

DW1 was Elizabeth Adubra she was called by A2 to testify on his behalf. According to DW1 she was the administrative assistant of A2's law office O-A Legal Consult. She also knows A1 as a proprietor of an

orphanage. According to DW1 the first time she met PW2 was around July 2015. She subsequently visited the office in connection of the adoption of her son Jeffry Otchere on many occasions. She came with A1 to see A2 in his office, DW1 later got to know it was in connection of adoption by clients from Slovenia.

In April 2016 A2 told her to give PW1 direction to his office which she did. According to DW1 she was in the office when Complainant came to the office together with the adopted child and an older sibling DW1 sent them to A2 in his office whilst PW2 remained in the office's reception.

According to DW1 she went to A2's office to run photocopies and heard the Complainant thanking A2 for getting his son adopted and promised to give the older son out to A2 for same. DW1 saw complainant visit the office subsequently on a couple of occasions to see A2. DW1 further stated that around the month of May 2016 A2 directed her to make copies of the consent to adoption form thumb printed by PW2 for complainant, but the complainant did not come to the office until A2 returned to the office and PW1 went to see A2 in his office and later returned for the photocopies made."

After the close of trial counsel filed an address to the court on September 29, 2022. I have perused the address filed and considered all the issues raised by Counsel for Accused Persons, before coming out with this judgement.

COUNT ONE

CONSPIRACY TO COMMIT CRIME: To wit: DEFRAUDING BY FALSE PRETENCES

A1 has been charged together with A4 for the offence of conspiracy to commit crime, to wit: defrauding by false pretense. This Court will consider this charge against A1 as A4 is at large. The 1st and 4th accused persons were charged with conspiracy to commit a crime under **section 23(1) of Act 29**. Conspiracy is constituted if two or more persons agree to act together with a common purpose for or in committing or abetting a crime.

See **Agogrobisah v. The Republic**

[1995-96] GLR 557.

To succeed on a charge of conspiracy the prosecution must prove that the accused persons agreed to act together with a common purpose in committing, or abetting a crime. To prove conspiracy, there must be firstly plurality of minds and there must also be the agreement to act together with a common purpose of committing a crime. The case of **Amaniampong v The Republic [2015] 80 GMJ 105** has stated that the agreement to commit a crime is not always proved by direct evidence. It may be established by inferences from proven facts. It is difficult to prove the agreement between the accused persons since the prosecution was not present during the planning and that evidence of outward manifestations of acting together by accused persons gives rise to an inference that there has been a previous agreement between them to act.

The test had always been whether or not there was a community of design or purpose among the accused persons charged. And indeed, there was a role each of the accused played for the successful execution of the criminal agenda.

The evidence of the complainant (PW1) is that A4 informed him of the travel opportunity and told him that A1 was going to facilitate the process. A4 informed his mother A1 that Complainants expressed interest in traveling and so the next day, A4 directed A1 to the house of the Complainant. A1 came to the Complainants' house to ascertain the information given to her. PW1 and PW2 confirmed their interest to travel together with their son as family. A1 confirmed to PW1 and PW2 what her son A4 had told them and A1 added it will cost GHC5,000.00 to procure a passport for PW1, PW2 and their son. The next day A1 came for PW1, PW2 and their son to her house at Kasoa and conducted a Laboratory test for each one of them to confirm if they are fit to travel.

The issues of A4 introducing A1 to the complainant and his family for the purpose of traveling abroad is not contested. A4 is the son of A1 and therefore A4 identified the PW1 and PW2's child suitable for the purpose of adoption and accordingly invited his mother who is the owner of an orphanage and therefore is familiar with the 25 processes of adoption as she A1 as director of an orphanage carries out such adoption services. A1 did not deny the fact that she visited the house of PW1 and PW2. However, she indicated that the purpose

for her visit to Complainant's house for the first time was to warn her son from relating to the Complainant.

A1 denied going to Complainant house for adoption. According to A1 it was PW2 who came to her house to plead with her to give her child for adoption. A1 in her investigation caution statement stated "I was in my orphanage when one of my children called Paa Kwesi together with a certain woman whom I later got to know her as the mother of Jeffery Okyere came. During this period Jeffery Okyere was 3 months old. I asked of their mission where the mother of Jeffery told me she has heard about me that I could help give her child to someone for adoption" It was A4 who made the representation to convince the Complainant and wife on the opportunity to travel abroad on the basis of which A1 came to complainants' house to confirm. Even though A1 does not confirm the story of PW1, A1 without the assistance from A4 could not have had the opportunity of taking their child from PW1 and PW2.

What is the evidence on record given to show how Complainant met A1. A1's version per paragraph 10 of her witness statement is that "I remember speaking to the Complainant for the first time when he had a quarrel with PW2. The Complainant came to me subsequently and expressed interest in travelling to Saudi Arabia or Qatar". The question is what necessitated PW1 to talk to A1 when he has a misunderstanding wife if there had not been prior meeting between them or communication between the two? This piece of evidence goes to support PW1 and PW2's evidence that A1 had earlier been to their

house where the discussion about A1's ability to facilitate PW1 and PW2's travel abroad was confirmed.

The evidence on record establishes that role played by A4 was to act as a conduit (middle man) in the transaction and same can be inferred from A1's investigation caution statement.

How then did A1 meet PW2?

Paragraph 4 of A1's witness statement she states "I got to know PW2 as a deprived single parent in or around July 2015 through my son Paa Kwesi. She came to my orphanage at Kasoa for me to assist her to get her child adopted" From the evidence gathered, A1 and A4 did not expressly demonstrate an agreement for the commission of the crime but overt acts demonstrate their efforts in working towards the same goal, i.e. the crime.

The court is of the opinion that it is A4 who scouted to find clients for her mother.

I hold that the prosecution has led credible and cogent evidence to support all the ingredients of the offence of conspiracy to commit crime charged beyond all reasonable doubt and I reject the defence of the accused person as not being reasonably probable. A1 is accordingly convicted.

COUNT TWO

DEFRAUDING BY FALSE PRENCES

A1 and A4 have been charged by prosecution for the offence of Defrauding by false pretense, contrary to **section 131(1) of the criminal offences Act, 1960(Act 29)**. Since A4 is not part of this trial the court will consider the charge against A1 and only handle A4's prosecution at a later date. **Section 132 of Act 29** defines defrauding by false pretenses as follows:

"A person is guilty of defrauding by false pretenses if, by means of any false pretenses or by personation he obtains the consent of another person to part with or transfer the ownership of anything."

In a charge of defrauding by false pretenses, the prosecution must prove the following essential ingredients in order to succeed:

- a) That the person charged made a false pretense or impersonated another person;
- b) That by means of the false pretense or personation he obtained the consent of another person to part with or transfer the ownership of the thing, the subject matter of the charge.

It is not sufficient to prove that the accused made a representation of an existing fact with knowledge of its falsity or without belief in the truth of the representation; the prosecution must prove further that the accused had intent to defraud at the time he made the false pretense. Intent to defraud is therefore, an essential ingredient of the

offence of defrauding by false pretenses and it is necessary in all cases that it be proved.

In the case of **HEMANS V. COFFIE [1996-97] SCGLR 596 @606** the Court held that false pretenses as defined **by section 132 of Act 29** must involve a false representation of an existing fact. A promise of an event in the future can be found liability if it is coupled with a false statement of an existing fact.

The Prosecution's evidence is that the first and fourth accused persons represented to the complainant and his wife that they can assist them to travel to Canada with their son Jeffery Otchere to work. According to Complainant, A4 told him and his wife that A1, his mother, "was looking for a husband and wife to send abroad". A1 confirmed this at the Complainant's house, therefore PW1 and PW2 agreed to pursue and travel abroad. According to PW1, he went to A's house with PW2 and upon taking a picture at A1's house and also seeing the white couple in a video, A1 indicated to them the whites have agreed PW1 and PW2 can travel together with their son to Canada as their son was also captured in the video.

When PW1 was cross-examined, the following ensued:

Q. So Jeffery is your second child, not so?

A. Yes

Q. As we speak where is he?

A. He is with A1 and A2

Q. What do you mean by that?

A. 1st and 2nd Accused Persons have taken the child from me.

Q. Which way

A. "...Paa Kwasi told me his mother A1 is looking for a Husband and Wife to send abroad. First Accused Person confirmed to me that it was true and so she would come home and explain the process to me. A1 came to my house one morning to explain the process to us but we were to pay Five Thousand Ghana Cedis (GH¢5,000.00). It would be used for the procurement of passport and some other documents but not to be used to pay for our travel itself. We asked A1 how we would cater for the child. A1 said the process will take some time so by that time the baby can be left with my mother to take care of the baby. I gave Four Thousand and Six Hundred Ghana Cedis (GH¢4,600.00) and I said I will top up the remaining Four Hundred Ghana Cedis (GH¢400.00) when all is done."... "The video 30 was done and sent to us and the White also sent theirs to us. We saw where we were going to. A1 showed us pictures of the people whom she had sent to other country so I gained confidence in A1 and we all trusted her. After that day, A1 called us that A2 want to see us. At the time John Mahama was President. A2 told us the President of Ghana has brought a policy that we must sign a document before you travel outside. But we did not endorse the document there. We went back home not long after my Wife got pregnant but A1 asked why my Wife got pregnant because we are scheduled to travel. After that A1 called us again that we have good luck. A1 told us the Whites saw the baby coming so they have indicated my Wife and the child

and I can travel there with the baby who also appeared in the video we sent to them. We were happy. A1 told us not to inform anybody about the travel”.

A1 denied making such representation in her evidence to the court. According to A1, per paragraph 2 to 6, below she states;

“I met the complainant in or around the month of April 2016 through PW2. I got to know PW2 as a deprived single parent in or around July 2015 through my son, Paa Kwesi. She came to my orphanage at Kasoa for me to assist her to get her child adopted.

Her story at that time was that the complainant impregnated her and refused to take responsibility for the care and maintenance of the two children she had with him.

Subsequently, A2 contacted me to enquire about the availability of a boy child for adoption by a Slovenian Couple. I told him about PW2 and he asked me to bring her to his office at Kokomlemle-Accra for interview and signing of consent which I did. A2 informed me that PW2 had agreed and indeed consented in writing that A2’s clients adopt her child and take him abroad. This is the extent to which I was involved in the adoption of PW2’s child.

I did not have any discussion or agreement with PW2 travelling to Toronto after the adoption to live and work with the adoptive parents as is being alleged. I do not know where this story is coming from.

The fact is that I did not know the complainant in person as at the time I introduced PW2 to A2 and during the adoption process which ended in November 2016 with the grant of the adoption order.”

Per Exhibit D which is the investigation caution statement of A1 she states when the matter was very fresh in her mind. “A month later she came again which I took him to one Mr. Daniel Opere Asiedu a lawyer and a former social worker of Social Welfare who always assists me whenever am given adoption. We met him in his office located at Kokomeleme where the woman told him everything. He also asked her to go and think about it and come later. Three months later I was in my office when Kofi Otchere the father of Jeffery Otchere came to me that his wife had informed him that **she has signed a certain document and can he also sign some where I told him I knew nothing about such document** so he should go to the lawyer. I later had a phone call from the complainant where he told me that he has gone to the lawyer and that the lawyer has explained everything to him and he has understood everything. After 3 months, I had a call from Complainant that the wife was going to court. I told him that since they know what they were doing they should continue”.

This piece of evidence shows that PW1 did not know the document he was alleged to have signed and A1 was not the one who explained the content of the consent document to PW1. A2 does not also indicate he ever explained the consent document to PW1. Again, this piece of evidence shows that what A1 is telling the court she met PW1

after the adoption order is not true. She indeed met PW1 prior to obtaining the adoption order.

Also, this piece of evidence has demonstrated inconsistencies in A1's statement which discredits her evidence that she did not make the said representation to the Complainant and therefore the court will reject her evidence that she did not make the said representation to the Complainant as not reasonably probable and accept Complainants evidence of the representation made to him.

It is not enough to show that there was a representation on the basis of which complainant parted with the child to the accused person but Prosecution must go beyond the representation made to prove that the Accused knew that the representation as to the existence or non-existence of a state of fact to be false or did not believe in the truth of that representation and as it was noted by Apaloo J. (as he then was) in the case of **SEFA v COMMISSIONER OF POLICE [1963] 2GLR** that it is of the essence of this offence that a false representation must have been made by the accused and that such falsity must have been known to the accused at the time of making it. The burden of establishing these is, without doubt, on the Prosecution.

Prosecution cannot establish knowledge by direct evidence as knowledge in law is almost incapable of being established by direct means and evidence of overt acts for which the court can draw inference is used. In the case of **SOKOTO v. REPUBLIC [1972] 2G.L.R 372**, on narcotics, the court held concerning proof of knowledge that: 'In discharging the burden of proof the prosecution

need not establish actual knowledge in the accused person. Evidence from which the knowledge of the accused person may be justifiably inferred is sufficient' This will necessitate that the Court draws inferences from the facts that the prosecution proves and the court finds. **Section 18 (2) of the Evidence Act, 1975, (NRCD 323)** states that: 'An inference is a deduction of fact that may logically and reasonably be drawn from another fact or group of facts found or otherwise established in the action'.

What is the evidence on record to the effect that Accused knew the representation made to be false or did not believe in the truth of the representation? Gleaning from the evidence on record by A1 the court notes that at all material times A1 knew she had a request from A2 for the adoption of a boy child and therefore knew her statement to Complainant and his wife that persons in Canada needed a husband and wife abroad to work was not true.

The issue about acquiring a passport for them was A1's fabrication to gain the trust of PW1 and PW2. The vexed question is why would A1 who is a proprietor of an orphanage be interested in procuring a passport for PW1 and help send him to Qatar as alleged if not for her gain his trust and believe that he PW1 was also part of the travel to Canada. PW1 is someone whom A1 claim's is a wee smoker and therefore went to PW1's house to warn her son from being in his company, but now she is all in arms with him to help him travel to Qatar. The court therefore finds A1's version not reasonably probable

Did A1 make the said representation with intent to Defraud?

The question is if it was not for the purpose of defrauding PW2 why did A1 not take the child up in her orphanage. At the time, A1 who operated an orphanage had male children in her orphanage so why did she not follow due process to have one of the male orphans adopted. But rather accepted PW2's proposal even though she did not live within the jurisdiction of A1's orphanage.

Induced in the case of **Adobor v the Republic (H2/12/07) [2007] GHACA 5 (20 December 2007)**, was defined as to persuade, to prevail upon another person to believe something and act upon it. In the case of false pretense, the victim must have been persuaded to accept the representation made to him as true and to act upon it to his detriment. In the present case, the complainant believed A1, A2 and A4 and acted to his detriment. The complainant and his wife were persuaded by the accused person A1, and acted upon same to his detriment.

The issue of the passport of the Complainant being problematic and therefore the need to wait three days to have the problem rectified, and the supposed familiarizing of the child in question, Jeffery Okyere, with the white family, was only a fabrication and inducement given to the Complainant to get him to part with his infant child.

The facts show that the complainant and his wife will not have left their child to familiarize with the white family if they were not under the impression that they were going to follow their child later. The representation made to the complainant that he will travel after his

son and therefore should leave his son to be familiarized with the family led to him leaving the child with the first accused person.

According to **section 14(b) of ACT 29** consent is void if it is obtained by means of deceit or duress. It is true that the complainant allowed for his son to be left with the family and to supposedly embark on the trip before himself and his wife. This consent however was obtained by virtue of the false statements made to the complainant. In light of such circumstances, deceit vitiates such consent.

The court is of the opinion that the prosecution has proved its case against the accused beyond reasonable doubt on the charge of Defrauding by False Pretense. The accused is hereby found guilty of the offences of defrauding by false pretenses and I reject the defense of A1 as not being reasonably probable. A1 is accordingly convicted.

COUNT THREE

ABETMENT OF CRIME

This offence is contrary to **section 20(1) of Act 29**. It states that Every person who, directly or indirectly, instigates, commands, counsels, procures, solicits, or in any manner purposely aids, facilitates, encourages, or promotes, whether by his act or presence or otherwise, and every person who does any act for the purpose of aiding, facilitating, encouraging or promoting the commission of a crime by any other person, whether known or unknown, certain or

uncertain, is guilty of abetting that crime, and of abetting the other person in respect of that crime.

The evidence on record shows that A2 was the lawyer who facilitated the adoption process.

The professional carries additional moral responsibilities, as compared to the general population. This is because professionals are capable of making and acting on informed decisions in situations where the general public cannot. This is by virtue of the training that professionals receive.

A high level of seriousness is to be attached to the job of a lawyer, who deals with the liberties and freedoms of individuals. A lawyer must take compliance with the law very seriously. **Section 70 of the Children's Act, 1998 (ACT 560)** provides that before a court makes an adoption order it shall be satisfied that the consent required for the adoption order has been obtained and that the parent or guardian of the child understands that the effects of the adoption order will mean permanent deprivation of parental rights;

Therefore, to hold a person responsible for abetment, he or she must have been found to do any of these. A2, Daniel Opare Asiedu has been charged with the offence of abetting of crime. A2 Contacted A1 that his clients need a male child to adopt. He procured the adoption order for his client and then facilitated the removal of Jeffery Othere the son of PW1 and PW2 from the Ghana. How did A2 abet A1 to defraud PW1.

Prosecution's evidence is that A1 represented to PW1 and PW2 that she can help them with their child travel to Canada to live with another couple to work abroad. Based on this representation A1 handed over his child to them with the mind that he would travel with his child but this proved to be false.

A1 obtained the adoption order from the Swedru Circuit Court which was used to facilitate the removal of Jeffrey Otchere from Ghana. A2 denied any wrong doing. He told the court that he procured an Adoption order from the Swedru Circuit Court for his clients who had applied for adoption of a male child. He also obtained consent from PW2 the mother of the child that purpose. It is prosecution's case that the social enquiry report obtained by A1 was by fraud for the application at the Swedru Circuit Court The duty of the social worker is to go to the residence of the family of the child and make inquiries, to which he shall use the information to make a report. The report guides the court in making the order.

In defense A2 told the court in his evidence the he made an application to the social welfare department in the Central Region and the social welfare officer conducted his investigation and filed his report.

This is what ensued under cross-examination when Prosecution cross-examined A2:

Q. As Director of the Cape Coast Regional Directorate when you were filing the application for adoption at Swedru Circuit Court, did you

abreast yourself with Section 65 of Children's Act. I read ... in terms of the jurisdiction of the court.

A. I was not the Regional Director for Social Welfare for Cape Coast at the time of filing this Application.

Q. Are you telling the court that you did not know this provision in the Children's Act?

A. The provision is very well known to me. As a Lawyer, I made my application for the Judge to determine it. Indeed, my understanding at the time was that the child was under the care and protection of A1's foster home in the Central Region to be precise Kasoa.

Q. I am putting it to you that Jeffery Otchere has never been in the foster home of A1 and at the time you made the application to her. Jeffery Otchere was with the mother at Prampram where you took the birth certificate.

A. I was not aware of that.

Q. I am also putting it to you that the basis of your jurisdiction graphically was wrong that is why the Magistrate in the District Court Winneba refused your Application as they did not have jurisdiction to entertain it.

A. The Winneba District Court did not refuse the application. Indeed, I made three (3) applications including that for Jeffery Otchere. The two (2) other children Mary and Raphael are at the moment in Slovenia doing very well. So, I reviewed the three (3) applications and I not just the one for Jeffery Otchere.

Q. I put it to you that you deceived the Swedru District Court on the issue of jurisdiction to grant the order for you.

A. That is not correct. I had no hand in whatever decision a Judge takes. I presented the application satisfying all the required attachment. The Judgment was based on the totality of the case and the best interest of the child.

The vexed question is why would A2 go to Central Region for the report if he knew at the time that PW2 was a single parent and living in Ososohe in Dawhenya in the Greater Accra Region. Exhibit C is the consent to adoption orders has PW2's place of abode endorsed which presuppose that A2's deposed to that in his application to the court. this shows that not is not true when A2 says that he did not know that PW2 was not leaving in the central region.

The evidence on record shows that prior to the application A2 knew PW2 was not living in the Central Region and the child was not from the orphanage of A1. It is presumed that since A2 was a former Director at the Social Welfare Department in the Central Region he could have his own way and it was easier to procure a report without the request investigation to aid A1 in her bid to fraudulently remove Jeffery Otchere from his parents.

A2 has stated in his evidence that he did not know PW1 until after the adoption order was procured. A2 has raised any doubt in the mind of the court that PW1 and PW2 were fulling aware that and understood that they were giving their child away to be adopted.

According to A2 he got to know PW1 was not aware of the adoption of his son before the child was removed from the country but could not do anything about it as his clients had invested so much in the adoption process. A1 rather told the Complainant to wait at the reception whiles PW2 goes to the hotel room with the Adoptee Parents.

One would expect A2 who is a lawyer to take steps to rescind the adoption order rather than aid A1 to execute the crime and also enjoy the proceeds from the adoption application he made for his clients in peace.

Again, it is prosecution's case that it was because A2 knew he did not have the consent of PW1 that is why he did not give the documentation relating to Jeffery Otchere's adoption to PW1 or PW2 immediately it was obtained but waited for the child to be removed from the country before he handed the documents over to PW1 and PW2.

When DW1 was cross-examined the following ensued;

Q. At paragraph 10 of your Witness Statement you stated that A2 instructed you to make a photocopy of the adoptive order to be given to the Complainant in this case, do you still stand by that?

A. Yes, I remember A2 instructed me to make a copy of the consent of Adoption Order for the Complainant.

Q. Was the date May 2016?

A. It was around May but I can't remember the exact date.

Q. Confirm the date in your Witness Statement paragraph 10 to the court.

A. 16th around May 2016.

Q. Will you agree with me that until you did the photocopy of the consent to the adoption for the Complainant, the Complainant had not seen that document?

A. I was just instructed to make a photocopy to someone I don't know, whether he saw it before or not.

Q. Paragraph 10 of your Witness Statement, what do you want to tell the court?

A. What I mean is that around May 2016 my boss was going out so he directed me to make a photocopy and that the Complainant will come for it.

Q. I am putting it to you that until you made that photocopy of the consent to Adoption Order to the Complainant the Complainant had no information on the existence of that document.

A. I have no idea about that.

Q. I am also putting it to you that Complainant got to know the adoption of his son through the photocopy you did on the consent to Adoption Order you gave him.

A. I have no idea if that was his first time of getting to know.

Q. I am also putting it to you that the giving of the photocopy to the Complainant by you happened long after Jeffery Otchere had been taken away by the adoptive parents.

A. So far as I am concerned, after I had given that copy to Complainant he came back on several occasions and the child was still in Ghana. A2 has stated in his evidence "I got to know the complainants after his son had been adopted by my Slovenian Clients in November 2015. I got to know him in or around the month of April 2016"

The evidence on record shows that even though the adoption order was obtained in November 2015, A2 did not give the said order to PW2. The only reason that can be presumed is that A1 wanted to hide the adoption order from PW2 until the child was removed from the jurisdiction.

It can therefore be concluded that A2 knew the that PW2 had a different concept about the traveling arrangement that is to travel with her husband to Canada and if she got to know otherwise, she would not agree to the adoption.

This is what ensued during cross-examination of A2 by Prosecution; Q. So, you got to know the father of Jeffery Otchere before his removal from Ghana, is that correct?

A. That is correct.

Q. So when you got to know that the mother of Jeffery Otchere has deceived you in the adoption process what did you do?

A. I do not think that the mother deceived me but maybe she deceived the Complainant her husband. There was no need to do anything because the adoption had already been granted.

This piece of evidence shows that A2 got to know PW1 did not consent to the adoption before the child was removed from the jurisdiction but A1 instead of taking steps to rescind the order was driven by earning (money he had received) from his client to obtain the adoption and therefore went further to shield PW1 from having any interaction with his client and they come to Ghana to remove Jeffery Otchere from the jurisdiction.

A2 also played a role of assisting A1 to defraud PW1 since at the last moment when the presence of PW1 gave him an indication he did not agree to the adoption and if the clients got to know of PW1's presence they would have changed their mind even if A2 was not prepared to rescind the order himself. A2 did his best to ensure that PW1 did not meet with the adoptee parents all in the bid to assist A1 to perpetuate fraud against PW1 and PW2.

I hold that the prosecution has led credible and cogent evidence to support all the ingredients of the offence of abetment of crime charged beyond all reasonable doubt and I reject the Defence of the accused person as not being reasonably probable. A2 is accordingly convicted.

SENTENCING

In imposing a sentence on an accused person, the courts normally take into consideration factors such as whether the sentence is of a deterrent, reformatory, or retributive nature. In imposing the appropriate sentence, this court considered the following aggravating factors:

- i. The intrinsic seriousness of the offences charged;
- ii. The gravity of the offences charged;
- iii. The degree of revulsion felt by the law-abiding citizens of this country for the crimes committed;
- iv. The premeditation with which the criminal plans were executed;
- v. The prevalence of the such crimes within the country generally;
- vi. sudden increase in the incidence of these crimes;
- vii. The fact that A2 is a lawyer who holds an office of trust and owes the duty to be honest and candid to the public

This court also took into consideration in imposing the appropriate sentence, the following mitigating factors:

- I. The age of both accused person
- II. The Accused Person's show of remorse and plea for leniency and mitigation;
- III. The fact that the accused persons have had no brush with the law;

Be that as it may, there is no doubt the age of both accused persons has been imperative in considering to give both Accused Persons a reduced Sentence.

On count 1, A1 is sentenced to 36 months' imprisonment

On count 2, A1 is sentenced to 36 months imprisonment and a fine of 500 penalty unites or in defaults 18months imprisonment, the sentences will run concurrently.

On count 3, A2 is sentenced to 36months imprisonment and a fine of 1,000 penalty units or in default 24 month's Imprisonment. A1 has an enhanced fine as the court considers A2 owes a higher duty as a lawyer to be honest and Candid.

PROSECUTION

ASP EMMANUEL NYAMEKYE

LEGAL REPRESENTATION

C.A CHAMBERS FOR 1ST AND 2ND ACCUSED PERSONS

H/H SUSANA EDUFUL (MRS)

(CIRCUIT COURT JUDGE)