

IN THE CIRCUIT COURT, CF-GBVC DOVVSU HEADQUARTERS ON THURSDAY
THE 15TH DAY OF JUNE, 2023 BEFORE HER HONOUR JUDGE DORA G. A.
INKUMSAH ESHUN

SUIT NO: D6/016/2023

THE REPUBLIC

V.

ANTHONY AYEW

Accused Person - present
Prosecutor - present; C.I. Opoku Aniagyei
Investigator - present; PW Insp. Charlotte Duku
Accused Counsel - none

Time: 9:36 am

Accused Person

I don't have a lawyer. I will represent myself.

**Three Pleas and Charges are Read and
Explained to Accused Person in Twi**

Count 1

Statement of Offence

Defilement of a child under sixteen years of age: contrary to section 101(2) of the Criminal Offences Act 1960 (Act 29).

Particulars of Offence

Anthony Ayew: shop attendant: on 25th day of December 2022 at about 8:00 pm at Agbobloshie in the Greater Accra Circuit and within the jurisdiction of this

Judgment The Rep v. Anthony
Ayew

Jun 15, 2023

1

court, you carnally knew Bakita Musam, a female child 15 years at the time of the incident.

Accused Plea: *Guilty*

Count 2

Statement of Offence

Defilement of a child under sixteen years of age: contrary to section 101(2) of the Criminal Offences Act 1960 (Act 29).

Particulars of Offence

Anthony Ayew: shop attendant: In the month of February 2023 at Agbobloshie in the Greater Accra Circuit and within the jurisdiction of this court, you carnally knew Bakita Musam, a female child 15 years at the time of the incident.

Accused Plea: *Guilty*

Count 3

Statement of Offence

Indecent assault: contrary to section 103 of the Criminal Offences Act 1960 Act 29.

Particulars of Offence

Anthony Ayew: shop attendant: In the month of February 2023 at Agbobloshie in the Greater Accra Circuit and within the jurisdiction of this court, you indecently assaulted Bakita Musam by sucking her breast.

Accused Plea: *Guilty*

Judgment The Rep v. Anthony
Ayew

Jun 15, 2023

2

Prosecutor

[Reads out the facts].

By Court

Mr. Ayew, did anyone pressure you, encourage or advise you to plead guilty?

Accused Person

No. I have a step-mother. My mother's younger sister and my elder brother. My mother doesn't live here. I stay with my brother. My mother is at Anyinam. I work in a shop at Makola - we sell thread to braid hair and for designs. I have a wife and one child. We live together at Agbogloshie in the same house as the survivor. My child is one-and-a-half- years old. What I have to say is, I want to apologise to the victim's parents.

By Court

What about the victim?

Accused Person

I want to apologise to the victim's parents and the victim.

Victim's Mother

I don't know what to say (begins to cry).

Victim's Impact Statement

On Christmas day, in December 2022, the accused person came to stand in front of my room and asked me to come. I said I would not come. When I came out again and he was still standing there. He called me again and I said I would not come. Then he held my hand, took me to his room and put me on his bed and started undressing me. I stood up and he pushed me back on the bed. When he

Judgment The Rep v. Anthony
Ayew

Jun 15, 2023

3

finished, he lay on me. I told him to get off me or else I would tell my sister. He told me to keep quiet (sobbing). He turned on music and increased the volume. I was crying but he ignored me. I told him it was painful so he should get off me. He ignored me. When he finished he told me not to tell anyone.

The second time – it was a Sunday. He came to dry out his slippers and asked me to bring him an iron to iron his clothes. When I took the iron to him, I went to sit on the bench. He asked me to bring his slippers to him in the room (wiping tears from her eyes.) He asked me to bring the slippers and come for the iron. When I got there, he told me to stand there, he has something to tell me. I asked him what he had to say. He held my hand and pushed me on the bed. I had on a jersey knickers – he removed it. He was wearing boxers. When he finished he locked the door, I asked him to let me go because my sister, there was no one around and I had not locked the door. He said I should not go. Then he came to lie on me and I told him he would hurt me. He told me that he was teaching me something, when he finished I got up to leave – he held my hand and told me that if my sister comes, I shouldn't tell her anything.

The last time was in the evening around 9. I was standing with my friend Ernestina outside. The accused person called me and asked me to go and buy him groundnut. When I returned, he was standing there. When I put the groundnut in his hand, he held my hand. I was wearing a cloth – he was sleeping on a chair. He asked me to sit beside him on the chair and I said I was talking to Ernestina so I could not wait.

When I returned, Ernestina had left – I don't know where she went. Ernestina came to call me and I was in his room and I answered but the accused person covered my mouth. He removed the cloth and he took off his boxer. I did not know where his wife was. He asked me not to make any noise. He sat beside me on the chair and started running his hands over my body, I told him to stop. He

Judgment The Rep v. Anthony
Ayew

Jun 15, 2023

4

ignored me and I stood up. He put me in the chair and lay on me. When he finished I went out and Ernestina asked me what I was doing there. He stood in front of the gate and was watching us. He told me not to say it.

The last time the lights went off and we were sleeping outside. My younger sibling and I were sleeping outside. There were a lot of people sleeping outside and the accused person also came to sleep outside. My younger brother told me mosquitoes were biting him. He entered the room and left me alone outside. I saw someone sitting on the wall – when I opened my eyes it was him Anthony – the accused person. I told him to go and sleep because he scared me. He touched me. He left and I slept and he returned. He lay next to me on the mat. It was late and hot so I didn't wear clothes, I just had a cloth around me because the room was hot. He took off the cloth and started sucking my breast. I was afraid to say anything so I told my brother about it.

When that happened, I had pain in my lower abdomen (bursts into tears). Bro Anthony was dating my sister. I don't know how old she is. He was not married then. In our hometown it is a taboo. You can't be together with the person. If you go close to the person while they are sick the person will die.

By Court

Mr. Ayew is it true you were dating the survivor's sister?

Accused Person

Yes. We dated before. A long time ago. I am 22 years. I am not married but I have a child together with Jemima.

BC: The prosecutor has filed:

a) Weighing book.

- Birth date: 27 March 2007.

Judgment The Rep v. Anthony
Ayew

Jun 15, 2023

5

b) Amanomo 1 & 2 JHS Admission Form. -

Birth date: 27 March 2007.

c) Police General Medical Form – Usher Hospital signed by Doctor Michael Ofosu Atuah. Vaginal examination showed hymen was broken suggestive of sexual assault in a minor. Treated with antibiotics for a urine infection and charged GH¢700 for the report.

Prosecutor

My lord I was going to plead with the Court that the accused person pay compensation because the doctor charged GH¢700.

SENTENCING GUIDELINES

(1) Defilement (section 101, Act 29)

- 1st degree felony – 7 -25 years.

(2) a) Aggravating Circumstances

- vulnerable victim
- long duration
- greater psychological injury
- violation of safe place
- violation of survivor's customary taboo
- large age difference

b) Mitigating Factors

- none

3) Sentence Level

E – many aggravating /no outgoing factors.

Judgment The Rep v. Anthony
Ayew

Jun 15, 2023

6

Indecent assault - misdemeanour, 6 months maximum.

VERDICT

The accused person Anthony Ayew 22 – years-old shop attendant is convicted on his guilty plea of 2 counts of defilement of Bakita Musam contrary to section 101(2) of the Criminal and Other Offences Act, 1960 (Act 29) and one count of indecent assault of Bakita Musam contrary to section 103 of Act 29.

The accused person is sentenced to a term of imprisonment of 15 years for each count of defilement against the survivor and 6 months for the third count of indecent assault against the survivor in hard labour at the Nsawam Medium Security Prison.

The accused person shall be enrolled in psychological counselling sessions and a work programme during his sentence.

The sentences shall run concurrently.

The following ancillary orders are made in the best interest of the child/survivor:

- a) The child is referred to the clinical psychologist at the DOVVSU One Stop Center for counselling with her mother and family members if necessary.
 - b) The accused person shall pay the child's medical bills related to the defilement he perpetrated on her.
 - c) The accused person shall pay compensation of 500 penalty units to the survivor to which may be recovered through civil proceedings.
-

Judgment The Rep v. Anthony
Ayew

Jun 15, 2023

7

d) Doctor Michael Oforu Atuah of the Usher Hospital, Accra shall refund the amount of GH¢700 he charged the child survivor for her medical report as it is contrary to her right to free medical treatment from the state under section 8(3) and (4) of the Domestic Violence Act, 2007 (Act 732) and the amount charged is grossly in excess of reasonable administrative and consulting fees and is contrary to public policy, the public good, morals, good conscience, equity and the law...

In passing sentence the Court has taken into consideration; the long duration of the offence of defilement, the fact that the survivor is vulnerable and had her safe place violated by the accused person's insistent preying on her in her home as a close neighbour in her compound, the greater psychological injury to the survivor particularly because of her fear of the taboo of her hometown violated by the accused person previously dating the survivor's sister and then defiling the survivor on three occasions and indecently assaulting her and the age difference between the accused person and the survivor. The sentence is also passed to serve as a deterrent for an offence that is becoming all too pervasive in our society.

(SGD)

**DORA G. A. INKUMSAH ESHUN
CIRCUIT JUDGE**

Ayew