

**IN THE CIRCUIT COURT, CF-GBVC DOVVSU HEADQUARTERS ON MONDAY**  
**THE 19<sup>TH</sup> DAY OF JUNE 2023 BEFORE HER HONOUR JUDGE DORA G. A.**  
**INKUMSAH ESHUN**

**SUIT NO:**  
**D18/004/2023**

**THE REPUBLIC**  
**V.**  
**JONATHAN CASTRO LUMOR**

|                 |   |
|-----------------|---|
| Accused Person  | - present                                     |
| Prosecutor      | - present; Insp. Belinda Asante               |
| Investigator    | - present; #5692 Det. Sgt. Afia Pomaa Cobbina |
| Accused Counsel | - none  |

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**Time: 10:57 am**

**Evidence-in-Chief of PW1**  
**Martha Achiaa Mensah**  
**S.O.B in English**

My name is Martha Achiaa Mensah please. I am a nurse at Korle-Bu Teaching Hospital. On the 28th February, 2023 I caused a witness statement to be filed. It's a statement I tender to the Court to serve as evidence with regard to the case before the Court.

**Accused Person**

No objection.

**By Court**

Witness statement filed on 25 February for PW1 is adopted as her evidence-in-chief.

Lumor

## **PW1**

On 22nd of November 2022 in respect of this case, I gave a written statement to the police. This is the statement I gave to the police. I intend to tender it to the Court as an evidence before the Court.

## **Accused Person**

I do object to most of what she wrote here.

## **BC Ruling**

PW1's written statement is admitted as relevant and marked Exhibit A. The accused person may cross-examine PW1 on its contents.

## **End of Evidence-in-Chief of PW1**

### **Cross-Examination of PW1 by Accused Person**

Q. Nana please before you were leaving the house at dawn, what explanation did you give me before you left – in paragraph 3?

A. My lady per my statement, I never wrote that I left at dawn, so I don't know what he is referring to.

Q. Nana would I be wrong if I can remember that the day you packed your things, you packed your things at dawn and before you left, did you ever tell me in the face that, "*Kojo, I feel me, we have issues. We need to work on ourselves.*" You feel I need to work on myself, and you need to work on yourself.

A. Yeah, my lady, please I don't remember the exact time, but I told him we have an issue. So, I told him I think going our separate ways for a while will help us – time will help us correct our mistakes and see what the future will hold for us.

Lumor

Q. So, prior to that, did you demanded that you needed us to have a family meeting and I make my people available?

A. Yes, my lady, please I don't remember anything like that.

Q. I put it to you that you actually made it, and so that you will make us have a family meeting, and even the venue was supposed to be in Kumasi.

A. My lady, please I don't remember anything like that.

Q. Still on paragraph 3, when you were leaving home, did I make you know you were pregnant, and you refused that you were not pregnant?

A. My lady no (shaking head).

### **Cross-Examination is Temporarily Halted**

#### **Accused Person**

My lady with all that has gone on, all this would not have happened – the breaking of the lock etc. if I didn't have gone there in the first place. I will plead that if I have to pay for it, so we can bring finality to the thing. My mum...

#### **By Court**

There are two charges – are you changing your plea? There is causing unlawful damage and emotional, verbal, or psychological abuse.

#### **Accused Person**

I am emotionally damaged. It has cost me my job etc.

#### **By Court**

There are two offences... which ones do you want to change your plea for?

#### **Accused Person**

I plead guilty to both of them.

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## **By Court**

The plea of the accused person is re-taken in English.

## **Count 1**

### **Statement of Offence**

Emotional, verbal, psychological abuse contrary to sections 1(b)(iv) and 3(2) of the Domestic Violence Act, 2007 (Act 732).

### **Particulars**

Jonathan Castro Lumor: Ex-Police Officer: Age 38 years: On 25 January 2023 at Korle-Bu in the Greater Accra Region and within the jurisdiction of this Court, you acted in a manner that made Martha Achia Mensah feel constantly unhappy, miserable, humiliated, ridiculed, afraid jittery, depressed, inadequate, or worthless.

Accused Plea: *"Guilty"*.

## **Count 2**

### **Statement of Offence**

Causing unlawful damage; contrary to section 172 of the Criminal Offences Act 1960, (Act 29).

### **Particulars of Offence**

Jonathan Castro Lumor: Ex-Police Officer: Age 38 years: On 22 November 2022 at Korle-Bu in the Greater Accra Region and within the jurisdiction of this Court, intentionally and unlawfully caused damage to a trap door and a main door lock, valued GH¢200.00, the property of one Martha Achia Mensah.

Accused Plea; *"Guilty"*.

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## SENTENCING GUIDELINES

- 1) Count 1 – emotional, verbal, or psychological abuse sections 1(b)(iv) and 3(2), Act 732 – fine of 500 penalty units maximum or imprisonment of 2 years maximum.

Count 2 – causing unlawful damage - section 172, Act 29, misdemeanour - 3 years maximum or a fine. Sections 296(4) and 297(1) of Act 30.

2) Aggravating Factors

- vulnerable victim
- multiple occurrences of offence
- position of trust
- influence of alcohol and bipolar disorder

Mitigating factors

- mental health triggers
- no previous convictions
- some remorse
- voluntary offer of restitution

3) Accused's Personal Circumstances

[Husband of complainant and father of two children aged four and five with complainant.] Currently I'm unemployed. I'm working on some money. Police Service is supposed to pay me but they said because I didn't start working on it, it will come somewhere next year. So currently, I depend on my mum (beginning to cry).

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#### 4) Victim's Impact Statement

My lady please, it has affected me emotionally and at some point, it affected my work as well. With regards to my work, most of the time, he comes there and my place is at Out-Patient Department. There was one instance, he had an issue he had with my patients which I was even given a query to answer to.

Then emotional-wise, it affected my relationship with my colleagues because almost all the time I was a topic for discussion at work. So I even requested that they change my Department or I even resign. So one of my bosses arranged for a psychologist at my work place. We had some sessions. Things are a little calmer now. The children - I always try not to expose them to our issues much. So I think it's just the little financial challenge.

### **VERDICT**

The accused person, Jonathan Castro Lumor, a 38-year-old ex-police officer is convicted on his own "*guilty*" plea of the offences of emotional, verbal or psychological abuse of his wife Martha Achiaa Mensah contrary to sections 1(b)(iv) and 3(2) of the Domestic Violence Act, 2007 (Act 732) and causing unlawful damage to Martha Achiaa Mensah's trap door and main door lock valued at GH¢200 contrary to sections 172(1)(a) of Act 29 in Count 2.

The accused person is sentenced to pay a fine of 80 penalty units or in default, to serve one month in prison in hard labour in the psychiatric ward at the Ankaful Maximum Security Prison for Count 1.

The accused person is sentenced to pay a fine of 20 penalty units or in default, to serve a term of two days in prison in hard labour at the Psychiatric Ward of the Ankaful Maximum Security Prison for Count 2.

The sentences shall run concurrently.

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The accused person shall sign a bond to be of good behaviour or in default shall serve a term of imprisonment for one month at the Ankaful Maximum Security Prison.

The accused person is granted access to his children in the child-friendly waiting room at the DOVVSU One Stop Centre supervised by the complainant or a responsible adult relative of the complainant and a staff member designated by the Registrar or the Director of DOVVSU Headquarters, once every two weeks.

The complainant is referred to the Clinical Psychologist at the DOVVSU One Stop Centre.

The Director of the Accra Psychiatric Hospital shall note that the detention order made by the Court on 9 May 2023 and 13 June 2023 for the accused at that facility is terminated.

The Head Psychiatrist at Ghana Police Hospital shall continue treating the accused person according to his treatment plan.

In passing sentence, the Court has taken into consideration the psychological report written Dr. Quincy Ofori dated May 11, 2023 (Ex CEA), the fact that the accused person's actions were influenced or triggered by alcohol abuse disorder and bipolar disorder, the lack of previous corrections on the accused person's record, his showing remorse for his actions and curtailing the trial and his voluntary offer of restitution for the damaged lock.

The Court has also taken into consideration the fact that the complainant is a vulnerable victim, the accused person was in a position of trust as her husband

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and the effect of the multiple occurrences of the first offence on the complainant's psychological, emotional, and psychological health and work.

### **Final Protection Order**

The accused person shall remain 200 meters away from the complainant, children, the complainant's family members, the complainant's workplace and home, subject to his right of supervised access as ordered by the Court.

The accused person shall pay the complainant compensation of 100 penalty units which may be recovered in the Civil Courts.

### **Accused Person**

My lord I have been a staff and patient of Accra Psychiatric Hospital. I did not think I received the best care there for reasons known to them. At the Ghana Police Hospital, they really gave me the best care- the Doctor diagnosed me from the beginning etc. please I want to go there.

(SGD)

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

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