

**THE CIRCUIT COURT, CF-GBVC DOVVSU HEADQUARTERS ON MONDAY
THE 27TH DAY OF FEBRUARY, 2023 BEFORE HER HONOUR JUDGE DORA G.
A. INKUMSAH ESHUN**

SUIT NO: D6/002/2023

THE REPUBLIC

V.

ALI ISAAC

Accused Person	- present
Prosecutor	- present; Insp. Opoku Aniagyei
Investigator	- present; Det. PW C.I. Fidelia Folivie
Accused Counsel	- none
Social Worker	- present; Irene Abra Aidoo Social Development Officer

Time: 11:09 am

Accused Person

I received a copy of the social enquiry report and I read it myself and understood it.

Prosecutor

My lady, I received and read it.

Evidence-in-chief of Social Worker

Irene Abra Aidoo

Social Development Officer

S.O.B in English

My name is Irene Abra Aidoo. I work at the Department of Social Welfare, Probation Unit. I'm a Probation Officer for the Family Tribunal. My lady I'm here

this morning to tender a report in evidence for the use of this Court. The report of Ali Isaac. The date for the report is 23rd February, 2023. It was filed on 21st of February, 2023.

Accused Person

No objection.

Prosecutor

Yes my lady I'm not objecting.

By Court

Social enquiry report filed on 21st February, 2023 for Ali Isaac, 18 years is admitted and marked exhibits "CW – CWD.

Social Worker

(Reads out Social enquiry report which is translated in Twi.)

Accused Person

My father told me my birthday was 6th April, 2022.

By Court

So on 6th April, 2022 you became 18 years old?

Accused Person

Yes.

End of Evidence-in-Chief of Social Worker

No Cross-Examination of Social Worker by Accused Person or Prosecutor

SENTENCING GUIDELINES

Offence – defilement, section 101(2), Act 29 – 1st degree felony 7 – 25 years.

Sections 29(e) and 46(1)(d) Juvenile Justice Act (Act 653) – for serious offence

1) Aggravating factors

- vulnerable victim

Mitigating factors

- small age difference
- short duration
- lesser violence
- lesser injury
- genuine relation little age difference

2) Sentence level

A – 1 aggravating factor, many mitigating factors. Sections 29(e) and 46(1)(d) Juvenile Justice Act.

3) Accused's Personal Circumstances

I don't know where my father is but my mother lives at Likpe. I have five brothers and sisters. I am the oldest. When I left the football academy and came to Accra, when I started work, I would send home some money because my mother was sick. I use to send GH¢100.00 a week when there was business or two weeks when there was no business. I love to play football. If

I can't play football, I would like to study to be a mechanic. I am pleading with the Court to forgive me. I didn't know. I promise the Court that when I leave here I will not repeat that again.

VERDICT

The accused person is convicted on his own guilty plea of the offence of defiling Esther Kpatchane, aged between 13 to 14 years by bone age determination. After considering the police medical form, investigation

caution statement and charge caution statement filed by the prosecution, the social enquiry report filed by the Probation Officer, the circumstances of the case; the fact that the accused person is 18 years old and a young offender, the fact that there is one aggravating factor – the vulnerability of the victim and several mitigating factors:

- the relationship and little age difference between the accused and the victim,
- the short duration of the act constituting the offence,
- the minimal violence used, and
- the lesser injury to the victim and the seriousness of the offence,

The accused person is sentenced to be detained at the Senior Correctional Centre at Roman Ridge for three years under sections 29(e), 46(1)(d) and (8) of the Juvenile Justice Act, 2003 (Act 653).

The accused person shall be enrolled in a training course during the period of his detention.

(SGD)
DORA G. A. INKUMSAH ESHUN
CIRCUIT JUDGE