

IN THE CIRCUIT COURT '1', ADENTAN, ACCRA, BEFORE HER HONOUR JUDGE DORA G. A. INKUMSAH ESHUN (MRS.) SITTING ON FRIDAY THE 23RD OF SEPTEMBER 2022

SUIT NO: CC023/023/2023

THE REPUBLIC

V.

RAYMOND SENYO DZIKA

Accused Person – present

Prosecutor – present; C. I. Anim Darko

Investigator – present; P. W. Cpl Lucy Amable

Accused Counsel – none

Accused Person

I have received the charge sheet and facts and have read them.

**Three Pleas and Charge are Read and
Explained to Accused Person in Ewe**

Statement of Offence

Defilement (section 101, Act 29).

Particulars

Accused, 39 years, plumber, in June 2021, had unlawful carnal knowledge of Blessing Odzor, stepdaughter, 15 years.

Accused's Plea: Guilty with Explanation.

I did not have sex with the victim unlawfully. The victim agreed to have sex with me. It's not unlawful and I did not rape her.

By Court

A female cannot agree to have sexual intercourse with someone unless she is 16 years and above.

Accused

What about if the child seduced me to have sex with her?

By Court to Accused

How old are you?

Accused

Please, I am 39.

By Court

How old is the child?

Accused

15 years.

By Court to Prosecutor

Do you have her birth certificate or weighing card?

Prosecutor

My lady, we have her health record. My lady respectfully, at the time the incident happened, the child was 14 years.

By Court

The Prosecutor submits the Child Health Records of Bless Odzor which states her date of birth as 24 March 2007 (24/03/07).

Accused Person

I had sex with her last year around June.

By Court

This makes the child 14 years at the material date the accused had sex with her.

Ruling on Accused's Plea

Following the accused's explanation, the court enters a plea of "*Guilty*" for the accused person.

Prosecutor

Reads out the facts.

Complainant's Impact Statement

The accused's action broke down the relationship between me and my daughter. We cannot relate the way we used to. He is my husband, and we have a child together. Though what he did was not good, I would plead with the court to temper justice with mercy.

Aggravating Factors

- Age difference (victim half accused's age).
- Younger-aged victim.
- Vulnerable victim (stepdaughter).
- Violation of safe place (home).
- Family, position of trust.
- Use of alcohol (medical report), Dr. Raymond Fynn, Pentecostal Hospital, Madina.
 - accused allegedly slept with victim ten times between March – May 2022.
 - reddened blistering on lower one-third of the thigh.
 - accused ejaculated into the victim's mouth, anus, vagina.
 - victim was menstruating during the assault.
 - "*no coercion*" – yet stick and verbal threats were used.
 - the hymen was not present, and defilement is probable.

Mitigating Factors

None as listed.

Sentence Level

E – 15+ years.

Accused's Circumstances

- 8-month baby with victim's mother.
- Plumber in estate at East Legon.
- Wife/complainant sells foodstuff.
- Accused takes care of the baby.
- First offender.
- *"I do community service in my hometown. I am a plumber so anytime the pipes in my area are faulty, I work on them, at Logba in the Volta Region."*

Victim's Impact Statement

I know why we are here. We are here on my stepfather and I.

By Court

Your stepfather said you agreed to have sex with him twice and you even seduced him.

Victim

It's a lie. On that day, he asked me to buy him alcohol – *akpeteshie*. When I bought it, after he drank some, he gave the rest to me to drink. I said "no", but he insisted and forced me to drink it. After I took the alcohol, I was sitting in the couch, and he started touching me and holding my breast. When he tried touching me, I pushed his hand off. Then he firmly grabbed me, firmly. I asked him to stop, and he refused and kept doing it. I tried getting up and he pushed me on the couch. I wanted to scream, and he covered my mouth with his hand.

He told me he wanted to have sex with me, and I said "no". He went for a knife from the kitchen and told me if I don't accept to have sex with him, he will kill me and if I don't know and I reveal the truth to anyone, he will kill me. So, I accepted.

On the second occasion, he wanted to have sex with me again and I said "no". He took a cane and whipped me with it, *basa basa* (everywhere). Its not only twice he had sex with

me. It's about ten times. Because of that, whatever my mother tells me or asks me, I don't listen. I don't know why.

CONVICTION AND SENTENCING

1. After considering the accused's plea, the nature of the offence, the fact that the accused is the victim's stepfather, the lack of remorse shown by the accused by blaming his actions on the victim and lying about the facts to the court, the use of alcohol, beatings and threats to enable the accused force himself on the victim, the effect of the crime on the victim and complainant, and damage to the victim's ties to and relationship with her mother, the psychological effect of the crime on the victim, the statements made in the doctor's report and evidence that the victim was 14 when the assault by the 38 or 39 year-old accused happened, the court convicts the accused person of defilement of the victim contrary to **section 101(2) of the Criminal and Other Offences Act, 1960 (Act 29)**.
2. For the reasons stated, the accused is sentenced to a term of imprisonment of 20 years at the Nsawam Medium Security Prison in hard labour.
3. The complainant and victim shall seek counselling to enable the victim recover psychologically, mentally, and emotionally from the assault.
4. The accused shall pay the victim compensation of 600 penalty units, which may be recovered by a civil suit.
5. The accused shall undergo counselling while in prison if those services are available.

Accused Person

Your honour, please, with all due respect, I know I am guilty with what I did, but with the alcoholism, threats and beating, I did not do that.

By Court

You have a right to appeal.

Victim

Please, it's a lie.

(SGD)

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

Judgment
2022

The Rep v. Raymond Senyo Dzika
Page 6

Sep 23,