IN THE CIRCUIT COURT "A", TEMA, HELD ON TUESDAY, THE 28TH DAY OF NOVEMBER, 2023 BEFORE HER HONOUR AGNES OPOKU-BARNIEH, CIRCUIT COURT JUDGE

SUIT NO: D10/35/20

THE REPUBLIC

VRS:

AMOS TETTEH

ACCUSED PERSON PRESENT

C/INSP. SUSANA AKPEERE FOR PROSECUTION PRESENT

PETER ADALIWE KABA, ESQ. WATCHING BRIEF FOR COMPLAINANT PRESENT

VALENTINA KWARTENG, ESQ. HOLDING THE BRIEF OF PRINCE KWEKU HODO, ESQ. FOR THE ACCUSED PERSON PRESENT

JUDGMENT

FACTS:

The accused person was charged and arraigned before this court on 7th July 2020 on a charge of defilement contrary to **Section 101(2)** of the Criminal Offences Act 1960(Act 29.)

The brief facts presented by the prosecution are that the complainant, Pearl Akpablie, is the mother of the alleged victim Marcia Ama Akpablie who was a Form 1 Junior High School student, aged 14 at the time of the alleged incident and residing at Zenu/Ashaiman. The accused person, aged Twenty (20) years at the material time is a footballer and also lives with his friends at a place known as Soldier Line near Michel Camp. The case of the prosecution is that in the year 2019, the accused person who was staying in the same area with the victim and her parents proposed love to her and she accepted. Later, the accused person

relocated to his current place of abode. The victim started visiting the accused person and they had sex in the month of August, 2019 and on 24th October, 2019. The prosecution further states that on 6th January, 2020, at about 12:00pm, the victim was sent on errands and she went to the accused person's place of abode. The accused person again had sex with the victim and thereafter, the victim returned to the house. On 9th January, 2020, the victim who was in the boarding house returned home from school in March, 2020, due to the COVID-19 pandemic. On 1st June, 2020, the complainant detected some changes in the victim and upon interrogation, the victim informed her about her illicit affair with the accused person. The complainant then conducted urine pregnancy test at home on the victim which proved that she was indeed pregnant.

Subsequently, the complainant lodged a complaint at the Domestic Violence and Victim Support Unit (DOVVSU), Ashaiman and a police medical report form was issued to the complainant to take the victim to the hospital for treatment. The prosecution claims that the complainant returned same duly endorsed and the report indicated that the victim was 23 weeks + pregnant with an estimated delivery date of 29th September, 2020 and the HIV test was also negative. Based on that, the accused person was arrested, his investigation caution statement taken and subsequently charged with the offence and arranged before the court.

THE PLEA

The accused person who was self-represented at the time his plea was taken pleaded not guilty to the charge after it had been read and explained to him in the Twi language. The accused person having pleaded not guilty to the charge put the entire facts of the prosecution in issue and thereafter the prosecution assumed the burden to prove the guilt of the accused person beyond reasonable doubt.

Subsequently, the accused person engaged the services of a lawyer to defend him at the trial.

BURDEN OF PROOF

A fundamental principle of our criminal justice system is that a person accused of a crime is presumed innocent until he has pleaded guilty or proven guilty. It is also trite learning that in criminal cases, the prosecution bears the burden to prove the guilt of the accused person beyond reasonable doubt. See **sections 11(2), 13(1) and 15** of the Evidence Act, 1975, (NRCD 323). In the case of **Gligah & Attiso v. The Republic** [2010] SCGLR 870, the Supreme Court held in holding one as follows;

"Under article 19 (2) (c) of the 1992 constitution, everyone charged with a criminal offence was presumed innocent until the contrary is proved. In other words, whenever an accused person was arraigned before any court in any criminal trial, it was the duty of the prosecution to prove the essential ingredients of the offence charged against the accused person beyond reasonable doubt. The burden of proof was therefore on the prosecution and it was only after a prima facie case had been established by the prosecution that the accused person would be called upon to give his side of the story."

The burden on the accused person, when called upon to enter his defence, is to raise a reasonable doubt in the case of the prosecution. The standard of proof for the defence is proof on a balance of probabilities. In the case of **Osae v. The Republic** [1980] GLR, 446, the court held in its holding 2 that: *"although it was settled law that where the law cast the onus of proof on the accused, the burden on him was lighter than on the prosecutor, and the standard of proof required was the balance of probability, if at any time of the trial, the accused voluntarily*

assumed the onus of proving his defence or some facts as happened in this case, the standard he had to discharge was on a balance of probabilities."

ANALYSIS

Here, the accused person is charged with defilement of a child under 16 years of age contrary to **Section 101** of Act 29. The section provides as follows;

"(1) For the purposes of this Act, defilement is the natural or unnatural carnal knowledge of a child under sixteen years of age.

(2) A person who naturally or unnaturally carnally knows a child under sixteen years of age, whether with or without the consent of the child, commits a criminal offence and is liable on summary conviction to a term of imprisonment of not less than seven years and not more than twenty-five years."

Further, under **Section 14 of Act 29**, a child under 16 years of age lacks the capacity to consent to sex. Thus, any consent to carnal or unnatural carnal knowledge is void and immaterial for purposes of proving a charge of defilement.

In the case of **Yeboah v. The Republic** [1968] GLR 248 at page 252, the court held that to succeed on a charge of defilement, the prosecution must establish beyond reasonable doubt each of the following three essential ingredients of the offence:

(1) That the victim is a child under 16 years of age.

(2) That someone has had sexual intercourse with the child; and

(3) That person is the accused.

On the first ingredient of the charge, **the prosecution must prove that the victim is a child below the age of 16 years.** In the instant case, the prosecution

witnesses gave the age of the victim at the time the incident is alleged to have occurred to be 14 years. The prosecution further tendered in evidence the birth certificate issued by the Birth and Death Registry, admitted and marked as **Exhibit "B"** evidencing the fact the victim was born on 31st October, 2005 implying that at the time of the alleged incident on 6th January 2020, she was aged 14 years. During the trial, Counsel for the accused person in cross-examining the prosecution witnesses put the age of the alleged victim in issue when he challenged the authenticity of the birth certificate. It is worthy to note that, at the time the third prosecution witness, the investigator sought to tender the birth certificate in evidence, Counsel for the accused person raised no issues as to the authenticity of the birth certificate. The third prosecution witness, the under cross-examination by Counsel for the accused person, the following exchanges took place;

Q: How did you verify her age?

A: My Lord, her parents brought her birth certificate which confirmed the age she told me.

Q: You did not verify or subject her to age analysis. Did you?

A: Yes My Lord.

Q: What is the result of the age analysis?

A: My Lord, I did not do the age analysis at the Police Station.

On the presumption and determination of age of a person before the court, **Section 19** of the Juvenile Justice Act, 2003, (Act 653), provides as that:

"(1) Where a person, ***whether charged with an offence or not, is brought before a Court*** *otherwise than for the purpose of giving evidence and it appears to the Court that the person is a juvenile, the Court shall make inquiry as to the age of that person.*

(2) In the absence of a birth certificate or a baptismal certificate, a certificate signed by a medical officer as to the age of a person below eighteen years of age is evidence of that age before a Court without proof of signature ***unless the Court directs otherwise."***

In the case of **Robert Gyamfi v. The Republic** (unreported), [Suit No. H2/02/19] CA, Kumasi per Dzamefe JA, delivered on 27th February, 2019, the court stated: *"…The three certification mentioned there are not the only means of identifying one's age in our jurisdiction. Yes, I know the statute is specific for children below eighteen years. Aside those certificates mentioned, the National Health Insurance Card for now is one of the official documents for the identification and age of all Ghanaians, either young or old. The class or school register is also one of such official records accepted as indicating the identity and age of school children".*

In the case at bar, the prosecution tendered the birth certificate issued by Birth and Death Registry, a government institution. There is a presumption under **Section 37(1)** of the Evidence Act, 1975 (NRCD 323), that official duty has been regularly performed and it is regular until credible evidence is given to the contrary. Here, Counsel for the accused person challenged the authenticity of the birth certificate without any evidence to the contrary. The birth certificate was issued and registered on 31st October, 2005 signed by the Registrar of Births with registration *No. 591213* and Entry *No 2398* and bears the name of the victim and her biological parents. As can be gleaned from the date of registration, it cannot be said that the birth certificate was procured for the purposes of this case.

I therefore find on the totality of the evidence adduced by the prosecution to prove the age of the victim that the birth certificate is for the victim in this case and having been issued by the Birth Registry, a government institution, it is presumed to be valid until a contrary is shown. Additionally, the birth certificate was issued

contemporaneously to the birth of the alleged victim, and the prosecution was not required to tender a report on ossification. The prosecution therefore proved that the victim was below the statutory age of sixteen (16) years at the time of the alleged defilement.

Secondly, **the prosecution must prove that someone carnally knew the victim.** Section 99 of Act 29 states that:

"where on a trial of a person for a criminal offence punishable under this Act, it is necessary to prove carnal knowledge or unnatural carnal knowledge, the carnal or unnatural carnal knowledge is complete on proof of the least degree of penetration."

In the case of **Gligah & Attiso v. The Republic** [2010] SCGLR 870, SC@ page 879, Dotse JSC defined carnal knowledge as:

" the penetration of a woman's vagina by a man's penis. It does not really matter how deep or however little the penis went into the vagina. So long as there was some penetration beyond what is known as brush work, penetration would be deemed to have occurred and carnal knowledge taken to have been completed."

To prove that someone carnally knew the alleged victim, the first prosecution witness, the mother of the victim, Madam Pearl Akpablie, testified that she lives at Zenu, Ashaiman and that the victim, Marcia Akpablie is her daughter who was 14 years at the time the incident occurred. According to her, the victim had been home since schools were closed down due to the Covid -19 pandemic. Whilst at home, she noticed some changes in the physical and social behaviour of the victim and she tried to enquire ascertain what the issue was. Consequently, on 1st June, 2020, at about 3:00am, she woke the victim up from her sleep to enquire

from her if someone had ever had sex with her. In the course of their conversation, the victim confided in her that the accused person herein had sex with her in January 2020, when she returned home from school on vacation.

Additionally, the first prosecution witness testified that she bought a pregnancy test kit and conducted a home pregnancy test which confirmed that the victim was pregnant. On the same day, she proceeded with the victim and her sister to ascertain the truth from the accused person in his house. She states that the accused person did not grant them audience and left. She therefore went to the Police station to lodge a complaint. She was issued with a police medical form to send the victim to the hospital for examination and treatment. The victim was examined and a scan conducted on her indicated that she was pregnant. The complainant states that she returned the medical form, the report of the scan and the birth certificate of the victim to the investigator.

The second prosecution witness, the alleged victim, Marcia Ama Akpablie (now deceased), testified that in the month of January 2020, she was sent on an errand and on her way, she met the accused person who proposed love to her and she initially rejected the proposal of the accused person but the accused person persisted and she finally accepted his proposal. Thereafter, on 6th January, 2020, she went out to sell for her mother and met the accused person again. The accused person invited her to his house and she followed him there. According to her, she did not know the accused person wanted to have sexual intercourse with her. The accused person tried to force her into having sexual intercourse with him but she resisted. She started struggling with the accused person to prevent him from having sex with her but he succeeded in having sexual intercourse with her.

Furthermore, PW2 testified that she left home for school on 9th January, 2020 and returned on 14th February, 2020 when she had eye problem. She called the accused person to inform him that she was not feeling well. She left for school again and returned after the schools were closed down due to the Covid-19 pandemic. She further states that whilst she was at home, she called the accused person again and complained of dizziness and that she suspected she was pregnant. The accused person asked her to meet him at a place called Martin Luther School Junction for a discussion. When she met the accused person, he gave her an amount of One Hundred and Seven Ghana Cedis (GH¢107.00) to terminate the pregnancy. According to her, when she and the accused person parted ways, a lady approached her shortly with a drug that the accused person had given to her to use in terminating the pregnancy. She took the medicine from the said lady and handed over the money to her and went home to administer the drug.

Additionally, the victim testified that, later on whilst still at home, her mother noticed changes in her physical and social behaviour and interrogated her on whether she had ever had sex with a man. She then confided in her mother that the accused person had sexual intercourse with her and she narrated how it happened to her mother. Based on that, PW1 conducted a urine pregnancy test on her which confirmed that she was pregnant. Thereafter, PW1 asked her to direct her to the accused person's house. She then took PW1 to the house of the accused person and when he was confronted, he denied responsibility for the pregnancy. PW1 then proceeded with her to the Police Station to lodge a complaint. A police medical form was issued to her mother to send her to the hospital for examination and treatment. She was examined and a scan was taken by the medical officer and the endorsed medical form was returned to the investigator.

The third prosecution witness *No. 40256 D/Sgt. Louis A. Aboagye*, stationed at Domestic Violence and Victim Support Unit, (DOVVSU), Ashaiman testified that he knows the prosecution witnesses and the accused person in the case. PW3 testified that on 3rd June, 2020, PW1 reported a case against the accused person at the Police Station in respect of PW2 which was referred to him for investigation. As part of his investigations, he obtained statements from the witnesses and issued a police medical report form for them to send the victim to the hospital. According to the investigator, on 4th of June, 2020, Isaac Bawa, a cousin of the victim brought the police medical report form in respect of PW2, which was admitted and marked as **Exhibit "A".** PW3 also tendered in evidence a scan report from La Medicare Limited in respect of the alleged victim admitted and marked as **Exhibit "E",** showing that the victim was 25 weeks pregnant with an estimated due date of 29th September 2020 as at the time of the report on 3rd June, 2020. Based on that, the accused person was arrested. He tendered in evidence the investigation caution statement and the charge statement of the accused person admitted and marked as **Exhibit "C''** and **Exhibit "D"**, respectively.

Again, PW3 testified that during investigations, the victim led him to the accused person's room and pointed to a double bed mattress placed on the floor as where the accused person had sexual intercourse with her. According to him, his investigations revealed that the accused person and the victim were in an amorous relationship and the accused person admitted having sex with the victim in the month of August, 2019 and on 29th October, 2019.

In my view, the medical report corroborates the evidence of the prosecution witnesses that someone had sexual intercourse with the child. The report was

prepared on 3rd June, 2020 by Dr. Ephraim Osei-Nkrumah who was then a Senior Medical Officer at the Tema General Hospital, and the report states that on examination, the victim was pregnant. The report further states that:

"There were multiple tears in the hymen with scar tissue found at their bases and the pregnancy test conducted was positive. A pelvic scan done on the same day found a single intrauterine pregnancy at 23 weeks and gestational age with estimated delivery date of 29th September, 2020. The HIV test was negative".

The prosecution, after a subpoena was issued for the medical officer to appear in court, informed the court that he had travelled outside the country and no more working with the Hospital and therefore was unavailable to testify as a witness. The prosecution therefore closed their case. Under **Section 121** of Act 30, a scientific report like a medical report if signed by a Government Medical Practitioner might be used as evidence of the facts stated in it and where the accuracy of the contents of the report is put in issue, the ends of justice requires that the medical officer gives evidence and be cross-examined on it. In the instant case, the medical officer was unavailable to testify and to be cross-examined on the report. However, from the defence put up, the contents of the medical report was not seriously challenged since it is not in dispute that the victim was pregnant which put it beyond doubt that someone had sexual intercourse with her. The gravamen of the contention of the defence has to do with the identity of the person who had sexual intercourse with the victim since the accused person denied same. From the evidence led by the prosecution witnesses and the medical reports on record, I find that the alleged victim was not a virgin at the time of her examination at the hospital since she was 23 weeks pregnant and that someone had sexual intercourse with the victim.

Lastly, **the prosecution ought to prove that the accused person and no other person had sexual intercourse with the victim.** On this issue, PW2, the alleged victim in her testimony before the court and under cross-examination was insistent that it was the accused person and no other person who had sexual intercourse with her. The accused person vehemently denied having sexual intercourse with the alleged victim and in his evidence on oath testified that he knows the alleged victim in the case and that he became friends with her because they used to live in the same neighbourhood at Crocodile Base, Denu. According to the testimony of the accused person, he lost contact with the victim when he relocated to Soldier Line, Michel Camp for over two years until he met her one day at Matapoly near Michel-Camp. He added that the victim later asked his friends who live in her neighbourhood for his phone number and called him and subsequently they communicated often. According to the accused person, the alleged victim called to ask for directions to his house and he directed her to his house. He states that he never saw her again till months later when she came to his house with PW1 to inform him that she was pregnant with his child.

Additionally, the accused person states that without any provocation, PW1, the complainant verbally abused him and attempted to have a brawl with him but he managed to lock his door and escaped. The accused person says that the next morning, he heard a knock on his door and when he opened the door, there were two military men and one civilian who, after ascertaining who he was, sent him to the Ashaiman Police station where he was detained. He states further that he never saw or heard anything about the victim again until her demise in 2022, which his friends informed him was as a result of an attempted abortion. The accused person therefore denies ever having sexual intercourse with the victim.

The accused person, contrary to his testimony on oath that he did not have sexual intercourse with the alleged victim, in his investigation statement admitted and marked as **Exhibit "C"** and relied on in his charge statement as **Exhibit "D"**, admitted that the victim was his girlfriend and that they were in a romantic relationship for two years. The accused person stated that in the month of August 2019, the victim visited him and they had sexual intercourse and he did not have sexual intercourse with her again until 24th October 2019 and that was the last time he had sexual intercourse with the victim. Later, the victim informed him that she was pregnant and took an amount of GH₵400 from him to abort the pregnancy. The last time he saw the victim again was in December 2019 and later she came with her mother to inform him that she was pregnant and he denied being responsible for the pregnancy. The accused person stated that he had never had sex with the victim since January 2020 and vehemently denied having sex with her on 6th January, 2020.

It is instructive to note that the investigation and charge statements of the accused person were admitted and marked in evidence without objection to the admissibility of the statements on grounds of voluntariness or otherwise. On the issue of the alleged confession made by the accused person, it is trite learning that a confession made by an accused person as to the commission of a crime is sufficient to secure conviction. See the case of **State v. Otchere** [1963] 2 GLR 463. In the case of **State v. Okyere**, supra, the court held in its holding 4 that:

"Where Counsel for an accused person is instructed that a confession has been obtained which violates the fundamental requirements of admissibility, it is the duty of Counsel to object to the confession going in evidence and thereby invite an adjudication by the court on the issue of admissibility. If he fails to object to its reception, he may nevertheless cross-examine prosecution witnesses in respect

of the confession statement or lead evidence to establish circumstances which violate the fundamental requirements and if he succeeds in establishing such circumstances, the evidential burden or weight of the confessions although admitted in evidence will be negligible."

The accused person was represented by Counsel throughout but failed to challenge the admissibility of the alleged confession statement given by the accused person. The third prosecution witness under cross-examination by Counsel for the accused person, the following ensued;

Q: Did you subject the accused person to scrutiny?

A: Yes my Lord.

Q: What analysis did you do on him?

A: My Lord, the accused person himself told me the time and the dates he had sex with the victim and the relationship he had with the victim.

Q: I suggest to you that the accused person did not tell you anything whatsoever.

A: My Lord, he did.

The above cross-examination conducted by Counsel for the accused cannot be circumstances that violate **Section 120** of the Evidence Act, 1975(NRCD 323) on the taking of confession statement. Again, Counsel failed to object to the admissibility at the time the evidence was being offered to enable the court conduct voire dire to determine the genuineness of the confession. The accused person in his testimony before the court did not lead evidence on circumstances that will amount to statutory breach on the taking of confession statement. The accused person for the first time, under cross-examination by the prosecution stated that the soldiers who arrested him assaulted him and told him that he should agree to whatever questions they were going to ask him if not they would send

him to the barracks and subject him to beatings. The accused person under further cross-examination of by the prosecution, the following ensued;

Q: So tell the court, your statement to the police and your evidence to the court, which one do you want the court to rely on.

A: It is my evidence in the court.

Q: So you want the court to believe that, at the time this case was so fresh, you did not remember to say all these things.

A: My Lord, because I was scared of what the soldiers told me.

The accused person who claims that some soldiers threatened to beat him did not indicate whether at the time of the taking of the statement by the police, he was subjected to any form of abuse and that it was operating on his mind at the time the statement was given to the police. In fact, the accused person was emphatic that he was in a relationship with the victim for two years and specifically mentioned the dates he had sexual intercourse with the alleged victim for which reason he denied responsibility for the pregnancy. It is settled law that where a witness's prior statement is inconsistent with his testimony on oath, it is presumed that his testimony on oath is false unless he gives satisfactory explanation of the inconsistencies. In the case of **Yaro & Anor v. The Republic** [1979] GLR 10-22, the court held in its holding 2 that:

"A previous statement made by a witness to the police which was in distinct conflict with his evidence on oath was always admissible to discredit or contradict him and it would be presumed that the evidence on oath was false unless he gave a satisfactory explanation of the prior inconsistent statement. A witness could not avoid the effect of a prior inconsistent statement by the simple expedient of denial. Where the witness did not distinctly admit that he had made

such a statement, proof could be given, as in the instant case, that he had in fact made it."

Additionally, Learned Counsel for the accused person in cross-examining the prosecution witnesses raised issues about the failure of the prosecution to conduct a DNA test on the child to link the accused person to the pregnancy. He further maintains strenuously that from the gestational age of the alleged victim which is 23 weeks +1 day, with the estimated due date of 29th September, 2020, the accused person could not have had sexual intercourse with the alleged victim on 29th September, 2020.

Admittedly, in certain situations where the pregnancy is the fulcrum around which the entire case of the prosecution is built, it will be imperative for a DNA test to be conducted and the result must link the accused person as the one who had sex with the alleged victim resulting in the pregnancy failure of which the case of the prosecution may collapse. In the case of **Asante (No.1) v. The Republic (No. 1)** [2017-2020] I SCGLR, 137, the SC on the issue of DNA results held per curiam that;

"In the particular circumstances of this case [though] the appellant is not entitled to an acquittal on the sole ground that the DNA evidence excludes him as the father of the child, it cannot be said that the pregnancy and the child had nothing to do with the conviction…the trial court and the Court of Appeal in their judgments considered the pregnancy as corroboration of the victim's testimony of sexual intercourse with the appellant. The import of the DNA evidence is that the victim was not truthful when she testified on oath that it was the appellant who had sexual intercourse with her leading to pregnancy and that has legal implications including her credibility as a witness."

The Supreme Court further held at page 138 of the headnote that:

"…. Though in our country DNA paternity testing is mostly used in family suits, it may play an important role in criminal cases such as rape and defilement where the victim also claims that the accused is the father of a child born out of the unlawful sexual intercourse… Where the DNA test confirms the accused as the father of the child that would constitute strong evidence of sexual intercourse between the accused and the victim. If the DNA test excludes the accused as father of the child that would mean that the accused did not engage in the sexual intercourse resulting in the pregnancy. ***However, in a case of multiple unlawful sexual intercourse at different times, if there were compelling evidence linking the accused to some other sexual intercourse not connected with the pregnancy, then he would have to answer to that."[Emphasis mine].***

The facts of the present case are distinguishable from the case cited supra since the accused person admits having had sexual intercourse with the victim but denies being responsible for the pregnancy. Assuming, arguendo, that the accused person was not responsible for the pregnancy, from the evidence on record, he was in a romantic relationship with the victim and had sexual intercourse with her at a time she was below the age of sixteen (16) years. The law does not require that the victim must be a virgin at the time of the sexual intercourse. The alleged victim was emphatic in her testimony before the court that the accused person had sexual intercourse with her. The accused person admitted having sexual intercourse with her voluntarily save that he was not responsible for the pregnancy to the extent that he states in his statement that he gave the alleged victim an amount of Four Hundred Ghana Cedis to abort the pregnancy. The accused person cannot therefore deny having sexual intercourse with the victim

even if a DNA test should prove him not to be the father. I therefore hold that the accused person had sexual intercourse with the victim at a time she was below 16 years.

On the totality of the evidence led by the prosecution and the defence put up by the accused person, I hold that the prosecution proved their case beyond reasonable doubt that the accused person had sexual intercourse with the victim at a time that the victim was below the statutory age of sixteen years. I therefore pronounce the accused person guilty of the offence and I accordingly convict him of same.

SENTENCING

In sentencing the convict, the court takes into consideration both mitigating and aggravating factors. The court has painstakingly considered the plea in mitigation forcefully urged on the Court by Counsel for the Convict as to the personal circumstances of the Convict. In that regard, the court considers the fact that he is a first-time offender, the fact that the convict was at the time of the alleged incident a young person aged twenty-years old and the victim was aged 14 years old. The Court also notes that both the convict and the victim felt they were in a relationship albeit prohibited by law due to her age at the time.

The court also takes into consideration the fact that the victim is deceased and though the circumstances surrounding her death is not known, from the pre-sentencing hearing, the lawyer for the family of the victim expressing the position of the family on the impact the case has had on the family and the victim, candidly told the court that the death is not directly linked to this case and there is no autopsy before the court to connect her death to the sexual offence. The court

appreciates the negative effects of early sex on the reproductive health of children and the consent of such children to such alleged relationships should not be used as a cloak to violate the chastity of these children. In balancing the mitigating and aggravating factors, I deem it necessary to impose on the Convict a sentence that reflects the revulsion of society to cases of defilement to protect the wellbeing of children.

I therefore sentence the Convict to serve a term of imprisonment of Fifteen (15) years in hard labour (IHL).

SGD.

H/H AGNES OPOKU-BARNIEH
(CIRCUIT COURT JUDGE)