CORAM: HER HONOUR BERTHA ANIAGYEI (MS) SITTING AT
THE CIRCUIT COURT 'B' OF GHANA HELD AT TEMA
ON TUESDAY, 27TH JUNE, 2023

SUIT NO. D14/11/23

THE REPUBLIC

VRS

KWAME YEBOAH

JUDGMENT

The Accused Person stands arraigned before this court on eight counts. On count one, he is charged with Dangerous Driving contrary to ***section 1 of the Road Traffic Act, 2004, Act 683***. On count two, three, four, five, six and seven, he is charged with ***Negligently Causing Harm contrary to section 72 of the Criminal Offences Act, 1960 (Act 29)***. Finally, on count eight, he is charged with the offence of Driving Without a License, contrary to ***section 53 of the Road Traffic Act, 2004***.

The particulars of offence for count one are that on the 6th day of May, 2021 at about 6:30 am, Accused Person drove a Mercedes Benz sprinter bus with registration number GR 6117-20 along the Accra -Tema stretch of the Kwame Nkrumah Motorway in a dangerous state and a dangerous manner while carrying 22 passengers on board, resulting in a road crash.

The particulars of offence for count two, three, four, five, six and seven are that on the aforementioned date, time and place and within the jurisdiction of the court, while driving the said vehicle, he did so in a dangerous state and manner leading to a road

crash which resulted in the death of Peace Kuevor, 64, Peter Owusu Appiah, 34, and Ignatius Akomba Sekyi 42 and which also led to the injury of Emmanuel Asempa, Randy Agyei Boakye and Thompson Korshie Agbozo who were all passengers on board the bus.

On count eight, the particulars of offence are that on the even date, time and place and while driving the said vehicle, he did so without a valid driver's license.

The charges were read and explained to the Accused Person in his preferred language of twi and he pleaded not guilty to count one, two, three, four, five, six and seven. He also pleaded guilty simpliciter to count eight. He was convicted on his own plea on count eight and sentenced to a 60-day term of imprisonment.

Prosecution had the sole duty of leading evidence to establish a prima facie case against Accused Person on counts one through to count seven. The veritable Dotse JSC in reading the decision of the Supreme Court in the case of ***Amaning v.The Republic [2020) GHASC 47***, had this to say by way of a prologue:

"William Blackstone, an 18th century English jurist in a statement on the hallowed principle of "Innocent until proven guilty:-rights of an accused person'' upon which our criminal justice administration has been founded in Article 19(2) (c) of the Constitution, 1992 stated as follows: "better that ten guilty persons escape than that one innocent suffer''. The above constitutes the fulcrum of our criminal justice jurisprudence''.

In the case of ***Domena v. Commissioner of Police [1964] GLR 563*** the Supreme Court per ***Ollenu JSC*** (as he then was) commented on the burden and standard of proof as such: "Our law is that by bringing a person before the court on a criminal charge, the prosecution takes upon themselves the onus of proving all the elements which constitutes

the offence to establish the guilt of the defendant beyond reasonable doubt, and that onus never shifts. There is no onus upon an accused person except in special cases where the statute creating the offence so provides…"

In the case of ***Richard Banousin v. The Republic, Criminal Appeal NO. J3/2/2014 delivered on 18TH MARCH, 2014,*** The Supreme Court per Dotse JSC noted that "the prosecution has the burden to provide evidence to satisfy all the elements of the offence charged".

That being so, prosecution may lead credible and positive evidence to upset that presumption. A court thus commences a criminal trial where an accused has pleaded not guilty on the rebuttable presumption that the accused person is innocent until proven guilty.

The onus lies on prosecution to lead evidence to establish a prima facie case against the accused persons by the close of their case. It is only then, that prosecution would be deemed, prima facie to have upset the presumption of innocence in favour of the accused and he would in turn be called upon not to prove his innocence, but to raise a reasonable doubt as to his guilt.

Prosecution in proof of its case called four witnesses. According to PW1, he was a passenger on board the vehicle which was being driven by the Accused Person. His evidence is that he was on the third sitting row and next to a passenger who was sitting close to the nearside window.

Prior to the vehicle moving, he realized that the driver's mate bent down and was constantly checking something underneath the bus. A female and male passenger

questioned the mate, but the Accused Person failed to check the issue before moving the vehicle.

He continued that while on their way and somewhere around the axle weighing station, he heard the sound of a burst tyre and saw the Accused trying to steer the wheel towards the left and then to the right. The bus turned over. He felt blood on his head and later felt that he was being moved out by some people.

PW1 said that almost all the passengers sustained injuries and they were taken to the Tema General Hospital. At the time of his discharge, he saw the Accused Person who appeared to be suffering and complained of having lost all his money. His brother gave the Accused money to buy food.

EVIDENCE IN CHIEF OF PW2

PW2's evidence is that he was also a passenger in the vehicle. He was sitting on the last but one row of seats, and that along the way, he realized that the Accused Person was speeding beyond expectation. He shouted from the back for the Accused Person to slow down. A female passenger was also complaining bitterly about the way the Accused was speeding.

PW2 continued that somewhere along the axle weighing station, one of the rear tyres got burst, and that even then, he asked the Accused Person to take his time and control the situation but eventually the rear section of the vehicle turned over and he fell unconscious. He sustained bodily injuries and even after being treated at the hospital, he still nurses a fractured bone in his left arm coupled with other bodily injuries.

THE EVIDENCE IN CHIEF OF PW3

PW3 was also a passenger in the vehicle that was driven by the Accused Person. PW3 says he was sitting at the last row of seats in the bus, and that along the way, the Accused Person was speeding excessively and failed to heed their plea for him to reduce his speed. PW3 says that a fair complexioned woman continuously complained about the speed of the Accused Person.

PW3 says further that in the course of the journey, one of the rear tyres got burst and the rear gate of the vehicle opened. He fell out together with the other passengers who were occupying the rear seat. He got injured and is still undergoing herbal treatment for the injuries he sustained.

THE EVIDENCE OF PW4

PW4 is the investigator. He tendered in evidence the following; Exhibit A and A1 as the investigation caution statement and charge statement of Accused Person, Exhibit B series (B, B1 and B2) as the medical forms of PW1, PW2 and PW3, Exhibit C series as the inquest form, post mortem and burial permit of Peace Kuevor, Exhibit D series(D, D1, D2) as the inquest form, post mortem report, burial permit of Peter Owusu Appiah, Exhibit E series (E,E1 and E2) as the inquest form, post mortem and burial permit of Ignatius Akombia Sakyi, Exhibit F as the DVLA accident report on Mercedes Benz bus and Exhibit G as the sketch of the accident scene.

CONSIDERATION BY THE COURT

Section 173 of the Criminal and Other Offences Procedure Code, 1960 (Act 30) provides that; "If at the close of the evidence in support of the charge, it appears to the Court that a case is not made out against the accused sufficiently to require him to make a defence, the Court shall, as to that particular charge, acquit him."

According to the Supreme Court in the case ***of Asamoah &Anor. v. The Republic [2017-2018] 1 SCGLR, 486, Adinyira JSC*** speaking for the apex court, stated that "the underlying factor behind the principle of submission of no case to answer is that, an accused person should be relieved of the responsibility of defending himself when there is no evidence upon which he may be convicted. The grounds under which a trial court may uphold a submission of no case as enunciated in many landmark cases whether under a summary trial or trial by indictment may be restated as follows;

a) There had been no evidence to prove an essential element in the crime
b) The evidence adduced by the prosecution had been so discredited as a result of cross examination; or
c) The evidence was so manifestly unreliable that no reasonable tribunal could safely convict upon it
d) The evidence was evenly balanced in the sense that it was susceptible to two likely explanations, one consistent with guilt, one with innocence.

See the celebrated case of ***The State v. Ali Kassena [1962] 1 GLR 144 in which the Practice Direction issued by the Queens Bench Division in England [1962] 1 E.R 448 (Lord Parker CJ) was approved*** **of**

In the case of ***Mali v. The State, [1965] GLR 710,*** the Supreme Court laid out a fifth ground for upholding a submission of no case where it held that "where at the end of prosecution's case, the court requires further evidence given by prosecution, then the irresistible inference is that the prosecution has not made out a case and the accused should be acquitted''.

On count one, the offence of Dangerous Driving is of strict liability thus the Prosecution need not prove mens rea. Section 2 of Act 683 provides the definition of dangerous driving as follows;

For the purposes of sub section 1, a person drives dangerously if,

(a) The way that person drives falls below what is expected of a competent and careful driver
(b) It is obvious to a competent and careful driver that it would be dangerous driving the vehicle,
(i) In that manner
(ii) In its current state

The prosecution only need to prove that the accused person has engaged in the actus reus of the offence which is that

a) He was in charge of driving the vehicle
b) He drove it in a manner that falls below the expectations of a competent and careful driver OR
c) The manner in which he drove or the state of the vehicle is such that it would be obvious to a competent and careful driver that driving the vehicle was dangerous.
d) And in the circumstances of this case, that some persons lost their lives and others were injured as a result of that dangerous driving……..

On count two, three, four, five, six and seven, Prosecution in order to establish their case must lead evidence to prove that

1. The Accused Person while driving the vehicle used same to negligently cause harm to the three deceased persons as well as PW1, PW2 and PW3.

2. That the harm was unlawful.

Harm is defined by ***section 1 of Act 29*** to mean 'a bodily hurt, disease or disorder whether permanent or temporary'. Again, according to section 76 of Act 29, harm is "unlawful which is intentionally or negligently caused without any of the justifications mentioned in Chapter I of this Part''.

Per **Section 12 of Act 29,** a person causes an event negligently, where without intending to cause the event, that person causes it by a voluntary act, done without the skill and care that are reasonably necessary under the circumstances.

On the first element of count one, Prosecution's case is that it was the Accused who was driving the Nissan mini van on the said date and time on the Kwame Nkrumah motorway interchange. The first three prosecution witnesses who were passengers in the vehicle positively identified him as such. Accused himself does not deny that he was the driver in charge of the vehicle. As there is no challenge as to the fact that Accused Person was the one in charge of the vehicle, I find that the first element of the offence has prima facie been established.

Although the offence is of strict liability, the word dangerous connotes a lack of due care and of recklessness. An actus reus is not a senseless act, it is a willful event evinced by muscular contraction while the cognitive elements are in control of the process of executing the event and not a muscular contraction. See the case of ***Bratty v. A.G for Northern Ireland (1961).***

According to prosecution witnesses, particularly PW1, prior to the vehicle moving, the driver's assistant, popularly called ''mate'' kept going beneath the vehicle to check on

something, that even though some of the passengers questioned him on this, nothing was done and Accused Person moved the vehicle.

Further, all prosecution witnesses testified of the excessive speed at which the Accused Person was driving the vehicle. Not only did they notice the speed, PW2 says he and another passenger cautioned Accused Person to slow down. PW3 corroborated this and said the Accused Person did not pay them any heed.

Accused Person did not challenge any of prosecution witnesses on the fact that the vehicle appeared to have an issue prior to him driving it and he failed to see to the issue, and also that he was driving at excessive speed in the course of the journey.

Indeed, in cross-examining PW1, Accused Person rather chose to make a statement. At page 20 of the record of proceedings, with reference to PW1's evidence-in-chief, he had said;

Q: My lord, all that I have to tell him is to forgive me. All that happened is my fault and so I plead for his forgiveness. I also plead with the court

Then after PW2's evidence, he said at page 23 of the record of proceedings when called to cross examine;

Q: My Lord, my question for him is to plead with him.

BY COURT: Do you understand that by refusing to cross-examine him, you are deemed to have admitted all of his evidence in chief?

A: My Lord, please the accident occurred when I was driving so I would plead with the witness and the court. I cannot challenge his evidence.

The Accused Person again made a statement rather than cross-examine PW3. At page 25 of the record of proceedings, he said;

Q: All that I have for him is that he should forgive me. All that happened is my fault and so I plead that everyone forgives me. I have regretted my actions and I plead for forgiveness.

BY COURT: Do you understand that by refusing to cross-examine PW3, you are deemed to have admitted all of his evidence-in-chief?

Accused Person: Yes, my Lord. I do understand.

Although Accused Person cross-examined PW4, the investigator, his cross examination did not in anyway put a dent in the case of Prosecution. He oscillated between PW4 taking him to the hospital, and when PW4 denied that, he claimed that he did not see PW4 at the hospital at all.

Exhibit E is a sketch of the accident scene. The distance from point C where the vehicle veered off the road to point D, where the vehicle reached the oncoming lane and discharged some of the passengers is 52.0 metres. The distance between point D to point E where the passengers fell after the discharge is 9.0 metres. The bus finally came to a stop at point F when it hit a light pole. The distance between point B where the tyre marks were identified indicating the burst tyre to the point where the bus finally came to a stop is 60.60 metres.

That distance is an indication of the speed at which the vehicle was driving when the tyre burst. Although it does not indicate the precise speed at which the Accused Person was driving, it leads to an inference that the Accused Person was driving at top speed.

Again, Exhibit F which is the DVLA accident report on the vehicle, found extensive damage to the windscreen with all windows shattered. Both offside and nearside facial panel, bonnet, both front doors and the offside front fender were buckled. The grille and both sides mirrors were smashed. The extent of the damage to the vehicle leads to a further inference that the Accused Person was driving at excessive speed.

For a vehicle which appeared to be faulty before Accused Person started driving, one would expect him to drive with care. Driving at top speed in the circumstances connotes a reckless disregard for the lives of the passengers on board the vehicle and his own life. At the close of prosecution's case, I find that they have established a prima facie case against the Accused Person on count one.

On count two through to count seven, Prosecution tendered in evidence Exhibit B series as the medical forms of PW1, PW2 and PW3. It shows that PW1 suffered scalp lacerations and muscular skeletal pains. PW2 suffered scalp lacerations which were sutured and tenderness in the left arm which was found to be fractured. PW3 suffered a fracture in his left arm. His arm was supported with cult and sling for six weeks.

Exhibit C series are the inquest forms of Peace Kuevor, Peter Owusu Appiah and Ignatius Akombia Sakyi. The cause of death for Peace Kuevor is cerebral contusion, occipital stall fracture, traumatic head injury, road traffic accident. For Peter Owusu Appiah, the cause of death is left panetal stall fracture, traumatic head injury and road traffic accident while for Ignatious Akombia Sakyi, the cause of death is haemothorax, multiple rib fracture, blunt chest trauma and road traffic accident.

PW1, PW2 and PW3 suffered extensive injuries due to the road traffic accident and the three deceased persons died as a result of the same road traffic accident. That satisfies the

requirement that Accused Person negligently caused harm to the persons involved by his dangerous driving. As there is no justification on record for the harm, I find that Prosecution had at the close of its case, established a prima facie case on counts two, three, four, five, six and seven against the Accused Person. Accused Person was thus called upon to open his defence if he so desired.

Denning J (as he then was) in the celebrated case of ***Miller v. Minister of Pensions [1947] 1 All ER 372 at 373*** held that. "The constitutional presumption of innocence of an accused person is that an accused is presumed to be innocent unless he pleads guilty or is convicted by a court. The presumption is rebutted when the prosecution establishes a prima facie case against the accused person and the accused shall be called upon to raise a reasonable doubt as to his guilt." See also the dictum of Dennis Adjei JA in the Court of Appeal case of ***Philip Assibit Akpeena v. The Republic (2020) 163 G.M.J 32 .***

An accused person when called upon to open his defence does not have a duty to prove his innocence. His only duty if at all at this stage, is to raise a reasonable doubt in the mind of the court concerning the prima facie case established against him by the prosecution. See the dictum of Korsah CJ in the case of ***Commissioner of Police V. Antwi (1961) GLR 408.***

If the accused person is able to raise a reasonable doubt in the mind of the court, he must be acquitted and discharged. See ***Bruce-Konuah v. The Republic [1967] GLR 611*** and ***Section 11(2) and (3) of NRCD 323***.

In arriving at whether an accused has raised a reasonable doubt, the court may either believe or accept the explanation given by the accused or find that although it disbelieves the explanation, it is reasonably probable. In both instances, the court must acquit and discharge the accused. Thirdly, the court must consider the whole evidence on record

and see if it raises any defence in favour of the accused. If quite apart from the defence's explanation, the court is satisfied on a consideration of the whole evidence that the accused is guilty, it must convict. See the case of ***Brempong II v. The Republic [1997-98] 1 GLR 467 and Tsatsu Tsikata v. The Republic [2003- 2004] SCGLR 1068.***

In his evidence-in-chief, Accused Person said*; "It is true that I was the one who was driving the vehicle. While on our way, one of the tyres of the vehicle got burst. When that happened, I did not know where I was. When I became conscious, I realized I was at the hospital. It was at the hospital that I realized that my left arm was injured. I thus left the hospital to go and seek for treatment. It was not my intention to abscond from the hospital. I had had an accident before and my left leg was amputated. I had the fear that the same thing would be done to my arm and that is why I left the hospital in that manner. It was after treating myself that I went to Nkawkaw to have my Ghana card done. I told a friend to assist me to go and inform Joe – who gave me the car of the accident so that we would know what to do. It was when we went to see Joe at Pokuase that he called the investigator – Kingsley to come and arrest me. It was not my intention to do so to the car and to waste the time of the court but I wanted to provide for my wife, and I also have children that is why. I plead with the court. That is all. I plead with the court.''*

I have reproduced his evidence in chief in its entirety solely for the purpose that it speaks for itself; it does not offer any explanation that would raise a reasonable doubt in my mind.

In Exhibit A, which is the Accused Person's statement to the police, he said he was driving the said vehicle as a spare driver. It was given to him by his friend called Joe. He arrived from Kumasi with the vehicle on the 5th of May, 2021 and took the sales to Joe. He complained to Joe that there was a problem with the rear tyres of the vehicle and Joe gave him one tyre. He replaced the two tyres with another one which he had as a spare.

On the 6th of May, 2021, he set off on the instant journey with 21 passengers and a mate. He was using the motorway at about 6:30 am when one of the tyres burst. It led to an overturn of the car which came to a final rest on its side at the central reserve of the motorway. He sustained injuries and was taken to the hospital. He got in touch with the one who gave him the vehicle and he advised him to "act fast'' and leave the hospital. He thus left the hospital the next day and went for herbal treatment.

Under cross-examination by the Prosecution, Accused Person answered;

Q: When did the police seize your license?

A: It has been a while.

Q: Can you tell us how long?

A: It has been a while

Q: Would it be more or less than 10 years?

A: more than 10 years

Q: Do you stand by your investigation caution statement that is exhibit A?

A: Yes please

Q: So you knew very well that your tyre had a problem yet you ignored it and used it to travel.

A: I did not know that it had any issue that is the tyre.

Q: Per line 4, of paragraph 8 of your investigation caution statement, you had said on 5th May 2021 … You knew very well that there was a problem with the tyre. I put it to you.

A: I knew that it had a problem but I changed it with the one that Joe gave me to replace it. I replaced it with Joe's tyre and that was what got burst and which has led me here. The old one was lying in the car.

Q: Was it the same tyre you changed that got burst or a different one?

A: It is the tyre that Joe gave to me that burst. It is the one that he changed for me.

Q: Do you have a prosthetic leg?

A: Yes please.

Q: Are you aware that you are not supposed to drive with such a leg?

A: That is true but I have a wife and children and that is my profession. It is what I do to take care of my wife and children.

Q: Did you pay your medical bills before you left the hospital?

A: No please I did not.

Q: Were you properly discharged from the hospital?

A: No I was not discharged by the hospital.

Q: What was your destination with that vehicle at the time of the accident?

A: I was going to the Volta Region - Aflao

Q: You also stated in exhibit A that you had come from Kumasi that very day. Is that correct?

A: I had arrived at 11pm the previous day from Kumasi. It was in the morning of the following day that I was travelling to Aflao.

Q: On that very day, can you tell the court the speed that you were travelling at?

A: I cannot tell the speed.

Q: In your investigation caution statement, that exhibit A – you stated that you were driving at a speed of 100kmph.

A: No my lord, that is not so

Q: I put it to you that you were driving more than 100 kmph against the designated 100 kmph on the motorway.

A: Please that is not true.

Q: According to PW1, Pw2 and PW3, they and other passengers all complained that you were driving at an excessive speed on the motorway but you ignored them.

A: My Lord, please that is not so it is not true.

Although the Accused Person refused to challenge the evidence of prosecution witnesses that he was driving at top speed, he decided to deny the claim that he was so doing under cross-examination by Prosecution. I found his denial to be an afterthought.

Again, although in his evidence-in-chief, he claimed to have left the hospital out of fear that his arm would be amputated, in his investigation caution statement, he says he left the hospital after he was advised to "act fast" and leave the hospital. The contradiction in his statements means the court must take his evidence as to why he left the hospital with a pinch of salt.

From the evidence on record, I find that on the said date, the Accused Person was driving commercially without a license. Indeed, in his own words by way of explaining his plea of guilt to driving without a license, he had been driving for more than 21 years without a license. He was also driving a vehicle which he knew to have faulty rear tyres.

Again, he was driving the commercial vehicle with prosthetic legs without any test from DVLA to confirm whether or not he could drive a private vehicle at the least with the prosthetic leg speak more of a commercial vehicle, and finally, the Accused Person, having all these defects of himself and the vehicle, chose to drive at excessive speed on the motorway.

The Accused Person's actions fall squarely within the definition of Dangerous Driving in ***section 2 (1) of Act 683***. Although any of the circumstances of ***section 2 (1) of Act 683***, be it (a) or (b) is sufficient to make a finding as to dangerous driving, I find in the circumstances of this case that Prosecution has proven both circumstances.

The evidence on record supports a finding that the Accused Person not only drove it in a manner that falls below the expectations of a competent and careful driver but that the manner in which he drove and the state of the vehicle is such that it would be obvious to a competent and careful driver that driving the vehicle was dangerous. Accused Person knew that the state of the vehicle made it dangerous to drive and yet proceeded to drive it in a manner that falls below the standards of a competent and careful driver.

After the accident, while he was receiving treatment in the hospital and being aware of his actions, he chose to 'act fast' and run away from the hospital. His actions are an indication that he was very much aware of the fact that it was his recklessness that had caused the accident and led to the loss of life and limb as well as causing injuries to the passengers.

I find at the close of the trial that prosecution has established that the actions of Accused Person were reckless and in utter disregard of the life of the about twenty three persons including himself who were on board his vehicle which was traveling from Accra to Aflao in the Volta Region in the early hours of the 6th day of May, 2021 . His driving was dangerous and it led to the loss of three lives and caused injury to the first three prosecution witnesses. At the close of the trial and after a consideration of the entire evidence on record, I find that the guilt of Accused Person has been established beyond reasonable doubt and I hereby convict him on counts one, two, three, four, five, six and seven.

SENTENCING

On count one, section 1 of Act 683 provides that;

Section 1—Dangerous Driving

(1) A person who drives a motor vehicle dangerously on a road commits an offence and is liable on summary conviction

(c) where death occurs, to imprisonment for a term of not less than 3 years and not more than seven years;

As there was a death due directly to the accident caused by the convict, it stands to reason that the minimum punishment the court can impose is a three year term of imprisonment.

On count two, the offence of negligently causing harm is a misdemeanor and per section 296 (3) of the Criminal and other Offences Procedure Act, 1960 (Act 30) it carries a term of imprisonment not exceeding three years.

I find from the circumstances of this case that convict must be handed a harsh sentence to serve as a deterrence to himself and other commercial drivers who value money over the life and limb of the many passengers who board their vehicles every day.

He was very much aware and had knowledge of the fact that the rear tyres of the vehicle were problematic. He was aware that he had a prosthetic leg. In this court, the noise from the said leg was deafening anytime the convict walked. Due to this, if he had any respect for life, one would expect him not to drive commercially or if at all, to drive at short distances.

Yet the convict had returned from an Accra -Kumasi return journey in the evening of the 5th of May, 2021 and in the early hours of the 6th of May, 2021, proceeded on this journey between Accra and Aflao. All these were long distance journeys. In between them, convict could not have had much sleep.

In spite of all these factors, when he chose to drive, one would expect that he would do so with the necessary care, skill and competence of an ordinary driver. He did not. He chose to drive at top speed and failed to listen to calls to slow down from the very passengers who were paying him and whose money he wants this court to believe he needed to take care of his family.

After the accident, he run away from the hospital while still receiving treatment. He left the surviving passengers as well as the three deceased to their own fate. He did not show them any act of care or empathy.

Convict wants the court to believe that he continued driving even after his license was seized by the police and with a prosthetic limb because that was his source of livelihood. If he was so minded of the value of human life, one would have expected him to learn another trade or go into some business rather than insist on driving long journeys in his condition as a spare driver.

Indeed, the fact that he worked as a spare driver is indicative of his own knowledge: that his condition would make it difficult for anyone to hire him as a commercial driver. Yet, he decided to continue driving for more than 20 years.

His actions are not only a reckless disregard for human life but a wilful and total lack of empathy for human life at the expense of money. He is calling on this court for mercy when he failed to show a scintilla of appreciation for the human lives he entrusted himself with as a driver on the said date.

By his reckless act, three persons between the ages of 64, 42 and 34 have lost their lives. Their families have lost any benefit they had in such persons and convict did not show

any humanity to the families by acknowledging his actions. He also caused severe injuries to PW1, PW2 and PW3 who continue to receive treatment two years after the accident. As he was driving without a license, all these persons and the families of the deceased cannot have recourse to make any claim from an insurance company.

Convict did not show any remorse for his actions and Prosecution has gone through a full trial to establish his guilt. PW1, PW2 and PW3 had to testify and re-live the pain of that day. Even though convict kept pleading for forgiveness, he showed an unwillingness to own his actions and be held responsible for same.

I have taken into consideration the time served by the convict in custody pending trial. Accordingly, the convict is sentenced to a six year term of imprisonment on count one, a three year term of imprisonment on count two, a three year term of imprisonment on count three and a further three year term of imprisonment on count four. On count five, he is to serve a one year term of imprisonment, a further one year term of imprisonment on count six and finally, a one year term of imprisonment on count seven. The terms are to run concurrently. He is to pay the sum of GH¢5,000.00 each to PW1, PW2 and PW3 as compensation by the 10th of July, 2023.

RIGHT OF APPEAL (SGD)

H/H BERTHA ANIAGYEI (MS)

(CIRCUIT COURT JUDGE)

D.S.P. JACOB ASAMANI