

Lagos man gets death sentence for murder over woman dispute

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Court

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Lagos State High Court sitting in Ikeja has convicted and sentenced Justice Odey to death by hanging for the murder of 35-year-old Benedict Agara, whom he was accused of killing during a fight over a woman identified as Amina.

Justice Modupe Nicol-Clay, who delivered the judgment on Thursday in Suit No. LD/17040C/2021, found Odey guilty of murder contrary to Section 222 of the Criminal Law of Lagos State, 2015.

Odey was accused of killing Agara on April 3, 2021, at Block 33, Flat 102, Jakande Housing Estate, Lagos, by stabbing him with a broken bottle in his hand, stomach, and other parts of his body.

The prosecution, led by Titilayo Olanrewaju Daud and Z. O. Abdulaziz, called one witness, ASP Mariam Ibrahim, an investigating police officer, and tendered six exhibits before the court.

In her judgment, Justice Nicol-Clay held that the prosecution had proved the ingredients of murder beyond a reasonable doubt, adding that the burden of proof in criminal cases remained with the prosecution.

The judge said, “The burden of proof remains on the prosecution throughout; it does not shift to the accused person, except in limited circumstances.”

She held that murder could be established through direct evidence, circumstantial evidence, or a voluntary confessional statement by an accused person.

Justice Nicol-Clay rejected the defence argument that the evidence of the investigating police officer was hearsay, stating that an IPO’s testimony on an investigation conducted at the scene of a crime was admissible.

“The oral evidence of an IPO is not hearsay, contrary to the assertion of the convict’s counsel. It is the direct evidence of the investigation, and the same is admissible and can be used to convict an accused person,” she ruled.

The court also dismissed the argument that the prosecution failed to provide medical evidence establishing the cause of death.

According to the judge, while medical evidence was desirable in murder cases, it was not always compulsory where there was sufficient evidence showing the circumstances surrounding the death.

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“Medical evidence, though desirable in establishing the cause of death in a case of murder, is not always essential where the victim dies in circumstances in which there is abundant evidence of the manner of death,” she held.

Justice Nicol-Clay noted that although no eyewitness directly saw Odey stab the deceased, the circumstantial evidence before the court linked him to the killing.

She said, “There is no eyewitness account of a person who saw Odey stabbing the deceased; however, there is strong circumstantial evidence from the convict, putting him as the only person who fought and injured the deceased on the day of the incident.”

The judge further held that the evidence before the court showed that no other person was responsible for Agara’s death.

“There is sufficient proof that the unlawful act of the convict caused the death of the deceased. The evidence before the Court unequivocally and unmistakably showed that no other person but Odey was responsible for the death of the deceased,” she said.

On the confessional statement allegedly obtained from Odey, the court ruled that it could not rely on it because it was not obtained in compliance with the law.

Justice Nicol-Clay held, “Any confessional statement obtained without video recording or in the presence of a lawyer is inadmissible. I find myself unable to attach any weight to the confessional statement.”

The court subsequently convicted Odey after finding that the prosecution had established all the essential ingredients of murder beyond a reasonable doubt.

“Odey is hereby found guilty of the offence of murder and is convicted of the offence,” the judge held.

The case arose from an argument between Odey and Agara over Amina, which reportedly led to a physical confrontation during which Agara sustained injuries and was later taken to the hospital, where he died.