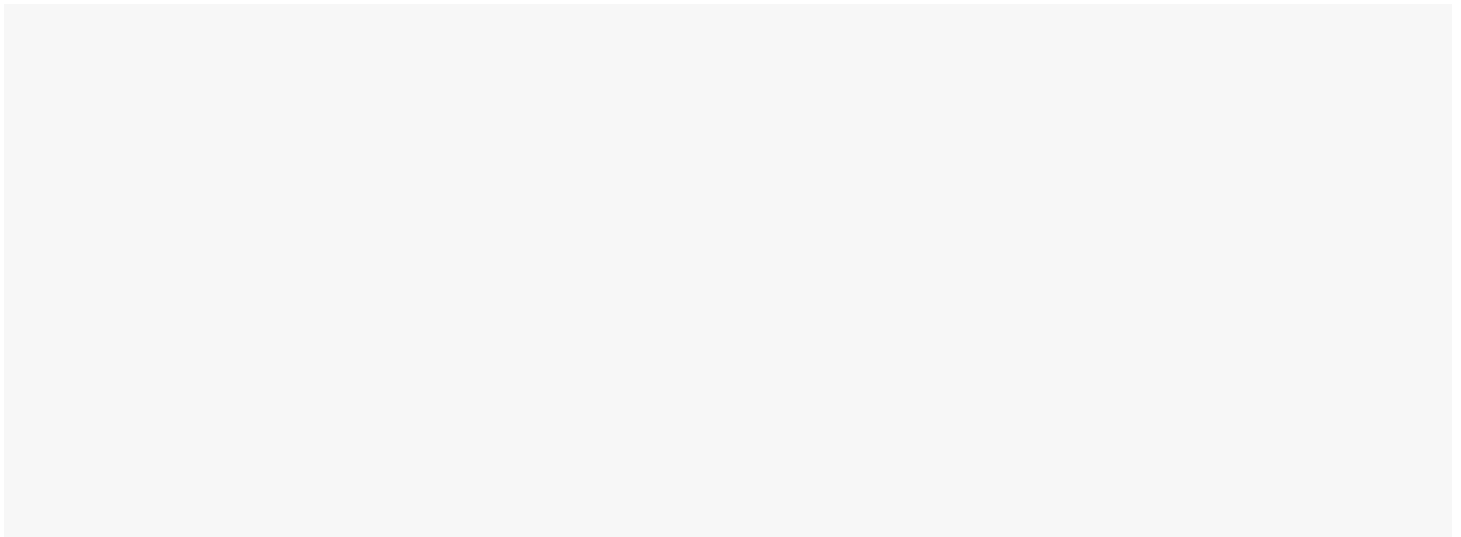


Man gets life sentence for killing father



by **Bassey Anthony, Uyo** June 20, 2019



The Ibiono Ibom Division of Akwa Ibom State High Court has sentenced Utibe Ita, an indigene of Nkim village in Ibiono Ibom Local Government Area, to life imprisonment for killing his father.

The presiding judge Justice Bassey Nkanang said Ita is to spend the rest of his life behind bars for committing manslaughter.

Our correspondent learnt that Ita was originally arraigned on a one-count charge of murder, contrary to Section 326(1) of the Criminal Code Cap. 38, Volume 2, Laws of Akwa Ibom State of Nigeria 2000.

But he had the charge commuted to manslaughter.

It was deduced from his confessional statement to the police that he had been having a misunderstanding with his father over some thorny family matters.

The bubble burst when his father, Mr. Oscar Ita, went missing between June 5 and 11, 2017, prompting his brother, Mr Godwin Udoisang, to initiate a search party.

Udoisang, who testified as prosecution witness I (PW1) in the trial, said he first inquired about his brother from the accused, who responded that he had not also seen him.

The witness told the court that he organised a search party to comb the surroundings and nearby bushes which yielded no fruit.

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Udoisang said he then searched for his brother in his house where he lived with the accused and discovered a heap of earth.

It was gathered that the accused made no effort to escape.

Though he attempted to escape when youths of Nkim arrested him, but it was too late.

At the Homicide Department of the State Criminal Investigation Department (SCID), Ikot Akpan Abia, one detectives, a photographer and a pathologist accompanied the youths to the scene where the remains of late Oscar Ita were exhumed.

An autopsy conducted on the body indicted that the accused buried his father with his left shoe.

From the confessional statement, the autopsy report and police investigation, there was a strong suspicion that the accused may have buried his father alive.

Utibe confessed that he hit his father “and he fell down”, adding that he “rushed” to a neighbour, begged and obtained a shovel used in digging the shallow grave.

The Chief State Counsel O. P. Okpo, who led the prosecution, averred that though there was no eyewitness, one of the ingredients to prove an offence of murder, the confessional statement of the accused and circumstantial evidence of the crime were sufficient to prove the charge of murder against the accused.

Lawrence S. Udonwa, the defence counsel, contended that since there was no eyewitness to the alleged offence, evidence of the four state witnesses could not sustain the conviction of the accused.

He argued that exhibits 1 to 3 (post-mortem report, photographs of scene of crime and body of the deceased) tendered by the Investigating Police Officer (IPO), were improper as the latter was not an expert.

During the trial, the state called four witnesses and tendered five exhibits, while the accused was his own witness.

In his first judgment, Justice Bassey Nkanang considered the arguments and submissions by the parties before concluding that “the court believed that there was mutual physical assault”.

He added: “A person who unlawfully kills another in the circumstance of mutual physical assault committed manslaughter, and not murder.

“The prosecution has proven all the ingredients of murder. The court is persuaded to convict the accused for the offence of manslaughter. Consequently, the accused is sentenced to life imprisonment.”



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