

Murder: Supreme Court affirms death sentence for father of five

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The Supreme Court on Friday affirmed the death sentence passed on a farmer and father of five children, James Afolabi.

Afolabi, who hails from Kogi State, was earlier convicted and sentenced to death by the Kogi State High Court, Lokoja, in 2012 for the murder of a Fulani man, Abubakar Mohammed.

The court relied on Afolabi's confessional statement to the police, where he claimed to have shot Mohammed in the chest for straying into his (Afolabi's) yam and cassava farm on February 27, 2009.

The Court of Appeal, Abuja on March 22, 2012, dismissed Afolabi's appeal and upheld the High Court judgment.

On Friday, a five-man bench of the apex court unanimously dismissed a further appeal by the convict, holding that there was no basis to disturb the concurrent findings of the trial and appeal court.

Justice John Okoro, who delivered the lead judgment, in the appeal marked, SC/181/2012, held that although the prosecution could not produce an eye witness at trial, it provided sufficient evidence to prove the

guilt of the convict.

He held that the evidence provided by the prosecution gave vent to the confession of the appellant.”

He added, “And in any case, this court held in Mohammed v State (2007) 11 NWLR (pt 1045) 303 at 230 paragraph F that where an accused person confesses to a crime, in the absence of an eye witness of the killing, he can be convicted on his confession alone.

“For all I have said, I hold a strong view that the court below was on a strong wicket when it upheld the conviction and sentencing of the appellant upon reliance on his confessional statements,” he said.

Justice Okoro also sided with the lower court in concluding that the intention of the appellant was to kill the victim.

“In the instant case, the appellant states emphatically, in Exhibit D (confessional statement), adjudged to have been freely and voluntarily made, that he aimed his gun at the chest of the deceased at close range and shot him.

“It was his further evidence that the deceased fell down and could not move again. At that point, he ran to the village head and reported that he had killed a man.