

Ondo court acquits lunatic of rape, murder

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By Dayo Johnson, Akure

An Akure High Court has discharged and acquitted a lunatic Olufoye Isaac Ojo of rape and murder of one Lydia Ayeni in a farm settlement in Ipe Akoko area of Ondo state in 2018.

Delivering judgment, the trial Judge, Justice Samuel Bola said that the defendant when he committed the crime was acting under unsoundness of mind and could not be held responsible for the offences he had committed.

The prosecution led by Stella Adegoke had arraigned the defendant on the August 26, 2018 on a two count charge of rape and murder; charges in which the defendant entered a "not guilty" plea.

According to the prosecution, Olufoye had attacked a housewife, Lydia Ayeni at a farm settlement known as Ilu Ogbe, raped and murdered her

after the dastard act.

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Giving his own testimony, the defendant told the court that " I was tempted by the way her buttocks moved as she walked before me on the farm path which made me to grab her from behind and forcefully raped her.

" I also killed her with a stone after she called my name.

" I don't know why I got angry and killed her because I had no quarrel with her. I hit her head with the stone till she breathed her last and covered her body in a shallow grave in the bush".

The defendant's mother, Madam Esther Olufoye while testifying told the court that he had been behaving strangely and had the habit of laughing and crying without any cause when they were in Kaduna.

She testified that he became depressed when his barber's shop was razed by fire. According to her they suspected that the defendant had probably set his own shop on fire.

Soon after the incident, she said that he ran away from home and was discovered to be living at a cemetery after some days. She explained that she had to take him down to her village in Ipe Akoko.

Olufoye testified that she could not understand how and why he developed mental illness as no one in their family had history of such illness.

Also the Chief Medical Director of Ondo State Psychiatric Hospital, Akure, Dr. Akinwumi Akinnuoye who examined the defendant said he observed a deep seated anger in him and noticed that his thinking faculty was impaired.

The trial judge observed that the issues were corroborated by his mother and the prison officials.

The doctor said that the two contacts he had with the defendant revealed that he had a psychotic disorder whereby he would hallucinate and hear voices telling him to do certain things.

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Justice Bola while citing section 27 of the Criminal Code law said that everyone is assumed to be sane until they do something that shows them to be otherwise. He noted that the defendant admitted to have raped and killed the deceased while a medical examination also showed that she was raped before she was killed in cold blood.

He further observed that the unsoundness of mind of the defendant was reinforced by the evidence of his past behaviour by his mother and the prison officials and held that the defense had adequately discharged the burden placed on it beyond reasonable doubt in establishing the insanity of the defendant.

He therefore ruled that the defendant could not be held responsible for his conduct. The court however discharged and acquitted him while the prison authority was ordered to release him to his parents who are to ensure that he receives proper medical care.

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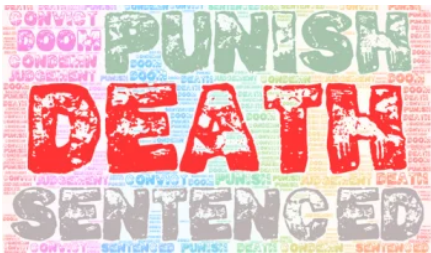
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