

SUPREME COURT OF NIGERIA
FRIDAY 3RD MAY, 2002. SC. 315/2001
CORAM:- A. B. WALI, U. MOHAMMED, A. I. IGUH,
A. I. KATSINA-ALU, E. O. AYOOLA, JJSC

JOSEPHINE ANI APPELLANT
V.
THE STATE RESPONDENT

CRIMINAL PROCEDURE - Insanity - Determination of - Insanity is decided by trial judge - And not medical men - And it is dependent upon previous and contemporaneous acts of accused (H1)

CRIMINAL PROCEDURE - Insanity - Proof - Onus of - Where accused pleads insanity - Onus is on him to produce evidence of same (H2)

CRIMINAL PROCEDURE - Murder - Insanity - Proof - Mere absence of evidence of motive - Is not sufficient ground upon which to infer insanity (H3)

CRIMINAL PROCEDURE - Insanity - Ingredients - Proof - Accused must be suffering from mental disease - That rendered him incapable of understanding his acts or omissions (H4)

CRIMINAL PROCEDURE - Murder - Insanity - Defence - Sustainability - The defence cannot be sustained - Since evidence abound that appellant was aware of her actions (H5)

FACTS

On a certain morning, accused/appellant left her house and went to the house of PW3. She met PW 2 and the deceased children at home. On inquiry about PW3 and her husband, the children told appellant that their parents had gone to the farm. Upon hearing this, appellant went to a nearby mechanic workshop and picked up an iron rod and returned to the house of PW3. Appellant killed Peter and Amoge with the iron rod. Thereafter, appellant chased PW2 who ran to the motor park for help. When appellant saw a police-

man (PW4) she ran away. Appellant was however apprehended by PW4 and she later made statement marked as exhibit B.

Appellant was subsequently charged for murder before the High Court of Edo State. At the trial, prosecution called several witnesses in support of his case. Appellant on her side raised the defence of insanity. At the end of trial, the learned trial judge held that the defence of insanity failed and consequently convicted and sentenced appellant to death. Aggrieved, appellant appealed to the Court of Appeal, Benin Division. The appeal was dismissed. Aggrieved further, appellant has appealed to Supreme Court.

ISSUE FOR DETERMINATION

The lone issue for determination raised by the appellant is whether or not the lower court was right in affirming that the defence of insanity did not avail the appellant.

HELD (Unanimously dismissing the appeal per KATSINA-ALU JSC)

CRIMINAL PROCEDURE - Insanity - Determination of

1. Whether the accused was sane or insane in the legal sense at the time when the act was committed is a question of fact to be decided by the trial Judge and not by medical men however eminent, and is dependent upon the previous and contemporaneous acts of the accused. (p. 1135 E)

CRIMINAL PROCEDURE - Insanity - Proof - Onus of

2. Where an accused pleads insanity, the onus is on him to produce evidence of insanity. In the instant case the onus was on the appellant to establish insanity. (p. 1135 F)

Murder - Insanity - Proof

3. Although plainly there was no apparent motive for the gruesome murders, the law is that mere absence of any evidence of motive for a crime is not sufficient ground upon which to infer mania. As I have already indicated, there was no apparent motive for the gruesome murders of the innocent children. But it was argued on behalf of the appellant that the court

should have inferred insanity or some mental disorder from the fact that there was no motive for the murders. But as I have already stated, the law on this point is now settled. Mere absence of any evidence of motive for the crime is not sufficient ground upon which to infer insanity. (pp. 1135 G/1137 E)

CRIMINAL PROCEDURE - Insanity - Ingredients - Proof

4. In order, therefore, to establish the defence of insanity, the defence must first show that the accused was at the relevant time, suffering from either mental disease or from a “natural mental infirmity.” Then it must be established that the mental disease, or the natural mental infirmity as the case may be, was such that, at the relevant time, the accused was, as a result deprived of capacity:-

- (a) to understand what he was doing; or**
- (b) to control his actions; or**
- (c) to know that he ought not to do the act or make the omission.” So much for the law.** (p. 1136 B)

Murder - Insanity - Defence - Sustainability

5. From the evidence before the trial court, it will be seen clearly that the appellant was not, at the time of the commission of the offence, in such a state of either mental disease or natural mental infirmity as to deprive her of the capacity to control her actions.

The evidence of the state of mind of the appellant after the killing was manifest in Exhibit B. This is a confessional statement she made to the police after her arrest soon after the commission of the crime on 1/3/88. Exhibit B is coherent. It sets out the sequence of events of that fateful day. What is more, the appellant was still at the scene of crime when P.W. 4 a policeman arrived. When the appellant saw him, she ran away. This is evidence that she knew she had done wrong. I have therefore no doubt in my mind whatsoever that the appellant both understood what she was doing and knew that she ought not to have done it. In my judgment the behaviour of the appellant immediately before and immediately after the killing did not suggest any insanity on her part. The defence of insan-

ity was rightly rejected by the two courts below. (p. 1139 F)

REPRESENTATION

Pat Onegbedan Esq. for the Appellant

Richard Itagbe Irenlen Esq. for the Respondent

B

CASES REFERRED TO

Majemu v. The State (2001) 9 NWLR (Pt. 718) 349

R. v. Omoni (1949) 12 WACA 511

C Kure v. The State (1988) 1 NWLR (Pt. 71) 404

Ishola Karimu v. The State (1989) 1 SC 121

Sanusi v. The State (1984) 10 SC 166

Arum v. The State (1979) 11 SC 91

Foluso Oladele v. The State (1993) 1 NWLR (Pt. 269) 294

D R. v. William Echem (1952) 14 WACA 158

Ayinde v. The Queen (1963) 1 ALL NLR 399

Udofia v. The State (1981) 11-12 SC 49

R. v. Matthew Onakpoya (1959) 4 FSC 150

Benson Madugba v. Queen (1958) 3 FSC 1

E Emeryl v. The State (1973) 6 S.C. 215

R. v. Ogor (1961) 1 All NLR 70

Mboho v. The State (1966) 1 All NLR 69

STATUTE REFERRED TO

F

Criminal Code Law s. 28

LEAD JUDGMENT BY KATSINA-ALU JSC

G This is an appeal from a conviction for murder. The defence raised at the trial was that of insanity. The learned trial Judge held that the defence of insanity failed. The appellant's appeal to the Court of Appeal was dismissed. She has further appealed to this court.

H The facts of this case are not in dispute. The appellant on the morning of 1/3/88 left her house and went to the house of P.W.3 Charity Ani whom the appellant described as "my friend". She met P.W.2 and the deceased children at home. On inquiry about P.W.3 and her husband, the children told the appellant that their parents had gone to the farm. Upon hearing this, the appellant went to a nearby Mechanic Workshop and picked up an iron rod and returned

to the house of P.W.3. The appellant first attacked Peter aged 5 years with the iron rod. While Peter cried in pains he told Amoge aged 4 years to run for safety. The appellant hit Peter on the head with the iron rod several times until he died. Next, the appellant pursued Amoge to a house where she took cover under a bed. The occupant of the room on seeing the appellant showed her where Amoge was hiding. The appellant then dragged Amoge out from under the bed. She hit Amoge repeatedly with the iron rod until she died. Thereafter the appellant chased P.W.2 who ran to the Motor Park for help. When the appellant saw a policeman (P.W.4) she ran. P.W.4 however chased her, caught up with her and arrested her and took her in for questioning. That was when she made Exhibit B confessional statement to the Police. B
C

The lone issue for determination raised by the appellant is whether or not the lower court was right in affirming that the defence of insanity did not avail the appellant. D

Every person is, unless the contrary is proved, presumed by law to be sane, and to be accountable for his actions. But if there is an incapacity, or defect of the understanding, as there can be no consent of the will, the act is not punishable as a crime. ***Whether the accused was sane or insane in the legal sense at the time when the act was committed is a question of fact to be decided by the trial Judge and not by medical men however eminent, and is dependent upon the previous and contemporaneous acts of the accused.*** See R. v. Revitt, 34 Cr. App. R 87. E
F

Where an accused pleads insanity, the onus is on him to produce evidence of insanity. In the instant case the onus was on the appellant to establish insanity. See Udofia v. The State (1981) 11- 12 SC 49. ***Although plainly there was no apparent motive for the gruesome murders, the law is that mere absence of any evidence of motive for a crime is not sufficient ground upon which to infer mania:*** see R. v. Ashigifuwo 12 WACA 389. The absence of motive is at most a matter to be taken into consideration when there is no other evidence indicative of insanity rather than the opposite - Ayinde v. The Queen (1963) 1 ALL NLR 399. G
H

It is to be observed that the law on the subject to which the court must address its mind is section 28 of the Criminal Code. The

section provides that a person,

“is not criminally responsible for an act... if at the time of doing the act... he is in such a state of mental disease or natural mental infirmity as to deprive him of capacity to understand what he is doing or of capacity to know that he ought not to do the act...”

B ***In order, therefore, to establish the defence of insanity, the defence must first show that the accused was at the relevant time, suffering from either mental disease or from a “natural mental infirmity.” Then it must be established that the mental disease, or the natural mental infirmity as the case may be,***
 C ***was such that, at the relevant time, the accused was, as a result deprived of capacity:-***

(a) ***to understand what he was doing; or***

(b) ***to control his actions; or***

D (c) ***to know that he ought not to do the act or make the omission.***” See R. v. Omoni 12 WACA 511. ***So much for the law.***

I now turn to the application of the law to the facts. The defence of the appellant at her trial was, I need hardly say, simply one of insanity. The defence called certain witnesses. The first was Reuben
 E Osahon Consultant and Psychiatrist of the Psychiatrist Hospital Benin City. The sum total of his evidence is that *“From the history I have given and from the examination of the accused person there was no doubt that she was suffering from depressive illness.”*

F The second witness was Maria Enifome Urefe (Mrs.), a Pharmacist and Technician at the Prison Clinic. She testified inter alia:

“When I tried to interview the accused person she was unable to say reasonable thing and was incoherent, accused person was restless...”

G The appellant herself gave evidence in her defence. Her evidence, in part, reads:

“The mother of the deceased told me that she will revenge on the husband but I advised the mother of the deceased P.W.3 to live in harmony with husband despite their misunderstanding. Thereafter
 H *the P.W.3 informed me that she has some medicine she wanted to make medicine so that the husband will like her, the P.W.3 invited me to accompany her to the place of the native doctor but I refused on the ground that I had never visited a native doctor since I was born. The P.W.3 said that I should not inform the husband of her mission,*

due to much pressure I agreed to accompany the P.W.3 who said that I should accompany her to the place of the native doctor at Ring Road, Benin City. Thereafter when P. W.3 took me to the place of the native doctor at Ring Road. It turned out that the person is an Hausa man. When I entered the latter person's place P. W.3 said that I am the person she has been telling the Hausa man. There the Hausa man brought out two chairs and asked myself and P.W.3 to sit down and I sat near the juju. There they told me to sit down and they will put something in my body so that the medicine they will put in my body will make the medicine they will do for P.W. 3 not to affect me. Thereafter the Hausa medicine man carried a juju and put it on my head, when this medicine was put on my head, I felt very differently I could not talk again and even the way I felt I wanted to shout but I could not shout; but thereafter the Hausa man brought out a razor and put some cuts on my both hands and applied the medicine. Thereafter I became unconscious of myself and could not even remember what the Hausa man did to me, since that date I did not know how I left the place of the medicine man and returned to my residence. It was after I was put in prison custody and I was being treated that I came to know myself."

It is to be observed that the alleged visit to the native doctor took place three months before the commission of this crime.

As I have already indicated, there was no apparent motive for the gruesome murders of the innocent children. But it was argued on behalf of the appellant that the court should have inferred insanity or some mental disorder from the fact that there was no motive for the murders. But as I have already stated, the law on this point is now settled. Mere absence of any evidence of motive for the crime is not sufficient ground upon which to infer insanity. See R. v. Ashigifuwo (supra).

But let us examine the evidence a little more closely. It is to be borne in mind that in insanity cases, the Judge must consider the behaviour of the accused at the time of the killing as well as after the killing. See Kure v. The State (1988) 1 NWLR (Part 71) 404; Ishola Karimu v. The State (1989) 1 SC 121 at 134. First, the events prior to the murders. P.W.2 Teresa Ogbuani was an eye witness to the killing of her little brother and sister. In her evidence-in-Chief she testified thus:

“On 1st day of March, 1988 my father Mr. Ogbuani went to the farm so also was my mother. On the same day the accused came to our house and asked for my father and I told her that my father had gone to the farm so also was my mother; thereafter the accused went to the main road and look to both end of the road to ascertain if any person was coming - during this period every person and our neighbour had gone to the farm leaving only small children at home. After accused had ascertained that no body was coming to our house she went to a mechanic shed and accused pick up an iron rod, thereafter accused hit the iron rod, after the accused locked three of us inside the house, myself, Amoge and Peter. As we were knocking the door after the accused locked us inside the house an old woman who owned the house came and opened the door for three of us. Thereafter three of us carried food and began to eat outside our residence, whilst there the accused came to us, pushed the deceased Peter Ogbuani down and used the piece of iron rod he was holding to hit him on the head several times. The deceased cried as he was being hit on the head by the accused, and told Amoge Ogbuani to run but the accused person after killing Peter pursued Amoge as she was running she entered the latter woman’s house as she was pursuing Amoge, the woman showed Amoge the deceased to the accused who dragged Amoge out from under the bed and used the piece of iron she was holding to kill the deceased Amoge in the woman’s house, after accused had killed Amoge I began to run and the accused began to pursue me. I ran to the Motor Park and went and called some person at the park who pursued the accused and caught her. When those person caught the accused they held her and used some rope to tie her hand. The accused person was later taken away by a Policeman.”

PW.4 Sgt. Joseph Irumudimam was the IPO. In his evidence, he said:

“Immediately the accused saw me she began to run away, I pursued the accused and arrested the accused person with the iron rod. I later took the accused to the Esigie Police Station for investigation.”

Under cross-examination this witness said:

“I was wearing my police uniform and when the accused sighted me she began to run.”

In his judgment the learned trial Judge considered the evi-

dence on this issue and held that the defence of insanity was not established. He rejected it. The court below affirmed this decision.

The first point to note is that when the appellant came to the home of P. W. 3, she enquired about the whereabouts of the parents of the children. P.W.2 told her that their father and mother had gone to the farm. Secondly on hearing that the parents were not home, the appellant went to a mechanic workshop up the road, picked up an iron rod and returned to the house. That was when she savagely killed the children. It must be remembered that in the case of little Amoge, she ran to a neighbour's room and hid under the bed. The appellant pursued her, dragged her out from under the bed, took her outside and beat her to death with the iron rod. When she finished with her, she chased PW.2 who ran to the motor park. It is instructive that the appellant did not attack any other child or person. She confined her attack to the children of P.W. 3. Surely if she ran amok as it has been suggested then she would have attacked anybody in her way. I am clearly of the view that this was a case of premeditated murder.

I am strengthened in this view by exhibit B, the statement of the appellant made on 1/3/88 the day of the incident. It was a confessional statement. It is coherent. And the events are stated in their chronological order. It is important to note that the appellant herself provided the motive for the murders. She stated in Exhibit B that she killed the children because their mother (P.W.3) used her (the appellant) for juju in order to make money.

From the evidence before the trial court, it will be seen clearly that the appellant was not, at the time of the commission of the offence, in such a state of either mental disease or natural mental infirmity as to deprive her of the capacity to control her actions: See R. v. Omoni 12 WACA 511.

The evidence of the state of mind of the appellant after the killing was manifest in Exhibit B. This is a confessional statement she made to the police after her arrest soon after the commission of the crime on 1/3/88. Exhibit B is coherent. It sets out the sequence of events of that fateful day. What is more, the appellant was still at the scene of crime when P.W. 4 a policeman arrived. When the appellant saw him, she ran away. This is evidence that she knew she had done wrong. I have

therefore no doubt in my mind whatsoever that the appellant both understood what she was doing and knew that she ought not to have done it. In my judgment the behaviour of the appellant immediately before and immediately after the killing did not suggest any insanity on her part. The defence of insanity was rightly rejected by the two courts below. See Majemu v. The State (2001) 9 NWLR (Pt 718) 349.

In the circumstances, this appeal is dismissed. The conviction and sentence are hereby affirmed.

C _____

WALI JSC

I have had the advantage of a preview in draft of the lead judgment just delivered by my learned brother Katsina-Alu, JSC. I D entirely agree with him that the appeal lacks merit and should be dismissed. Accordingly I too dismiss it. The conviction and sentence passed on the appellant by the trial court and the lower court is hereby affirmed.

E _____

MOHAMMED JSC

I have had the advance of reading the opinion of my learned brother, Katsina-Alu, J.S.C., in draft and I agree entirely with him F that this appeal is without merit.

I also agree that the defence of insanity had been made up after the appellant was arrested. In the evidence, P.W. 2 told the trial court that the appellant just asked the children about the whereabouts of their parents and that when she knew that they had both G gone to die farm she looked at both ends of the road and came back and locked the children inside the house. An old woman who heard the children knocking came and opened the door. The children came out, as they were eating their food the appellant came with an iron rod and viciously attacked and killed Peter Ogbuani. Thereafter she H pursued Amoge and reached her inside a house under a bed. She brought her out and killed her with the iron rod. P.W.2 began to run. She was pursued by the appellant towards the motor park. A policeman who gave evidence as P.W.4 was attracted to the scene. When the appellant saw him she began to run. She was later arrested.

This cannot be the behaviour of a person suffering from mental derangement. In all cases where a plea of insanity is raised as a defence it is very material to consider the circumstances, which have preceded, attended and followed the crime. It is very important to find out (1) whether there was preparation for the act. (2) whether it was done in a manner which showed a desire for concealment. (3) B whether after the crime the offender showed consciousness of guilt and made efforts to avoid detection and (4) whether after arrest the offender offered false excuses and made false statements.

The appellant prepared for her act when she asked the children of the whereabouts of their parents. She looked at both ends of the road before she came and locked the children inside the house. After the crime when she saw a policeman she tried to run away. All these have established that the appellant was aware of the nature and quality of the act she was doing. The antecedent and subsequent D conduct of the appellant is relevant to show the state of her mind at the time she committed the offence. I therefore agree that she was rightly convicted for the murder of the two children.

For these reasons and fuller reasons in the judgment of my learned brother, Katsina-Alu, J.S.C. this appeal has failed. It is dismissed. I affirm the decisions of the two courts below. E

IGUH JSC

I have had the privilege of reading in draft the judgment just delivered by my learned brother, Katsina-Alu, J.S.C. and I am in full agreement with the reasoning and conclusion therein reached. F

The facts of the case have been fully set out in the leading judgment and I do not intend to recount them all over again. It suffices to state that the single issue for determination in this appeal is whether or not the court below was right in affirming the decision of the trial court to the effect that the defence of insanity did not avail the appellant. G

Section 27 of the Criminal Code Law of the now defunct Bendel H State of Nigeria applicable to Edo State provides that every person is presumed to be of sound mind, and to have been of sound mind at any time which comes in question until the contrary is proved. Accordingly, there is no duty on the prosecution in criminal cases to

establish what the law presumes in its favour, that is to say, the sanity of an accused person. On the contrary, where an accused person pleads insanity or insane delusion as a defence to a criminal prosecution, there is a duty and the onus is on him to rebut this primary presumption of law as to his sanity and to establish his insanity or
B insane delusion as the case may be within the context of Section 28 of the Criminal Code. See *Nwoye Onyekwe v. The State* (1988) 2 S.C. (Part 2) 369 at 373 - 374, *Arisa v. The State* (1988) 3 N.W.L.R. (Part 83) at 388 etc.

C The defence of insanity is provided for in Section 28 of the Criminal Code. For the defence of insanity to succeed, however, the accused must establish that he was at the time of the commission of the offence suffering either from "*mental disease*" or "*natural mental infirmity*" and that his condition was such that at the relevant time, he
D was deprived of capacity:-

(1) to understand what he was doing or

(2) to control his actions or

(3) to know that what he was doing was wrong or that he ought not to do the act or make the omission for which he stands
E trial.

See *R. v. Omoni* (1949) 12 W. A. C. A. 511 at 513, *Sanusi v. The State* (1984) 10 S.C. 166, *Arum v. The State* (1979) 11 S.C. 91, *Foluso Oladele v. The State* (1993) 1 N.W.L.R. (Part 269) 294 at 307
F etc. This burden on the accused to prove his insanity, however, is merely as in civil cases, that is to say, on the balance of probability or the preponderance of evidence. See *R. v. William Echem* (1952) 14 W.A.C.A. 158, *R. v. Matthew Onakpoya* (1959) 4 F.S.C. 150, *Emeryl v. The State* (1973) 6 S.C. 215 at 216. Although medical evidence is
G usually of great assistance in the establishment of insanity, a Judge may nonetheless make up his mind on the issue in spite of such expert evidence, taking into consideration the totality of all the evidence tendered before the court. However, due weight ordinarily ought to be attached to such medical evidence. See *R. v. Ogor* (1961)
H 1 All N.L.R. 70, *Mboho v. The State* (1966) 1 All N.L.R. 69, *Benson Madugba v. Queen* (1958) 3 F.S.C. 1, *Oden Ikpi v The State* (1976) 12 S.C. 71 etc.

The law is settled that insanity is primarily a question of fact to be determined by the trial court which ought to take into consider-

ation each and every admissible piece of evidence tendered before it, including medical evidence, where available, together with the whole of the facts and surrounding circumstances of the case, particularly such vital facts like the nature of the killing, the conduct of the accused before, at and immediately after the killing and any past history of mental abnormality of the accused. See *Karimu v. The State* (1989) 1 N.W.L.R. (Part 96) 140, *R. v. Inyang* 12 W.A.C.A. 5 at 7; *James Anyim v. The State* (1983 1 S.C.N.L.R. 370 at 377 etc. B

Now, the learned trial Judge meticulously considered every bit of evidence led before the court at the trial together with the medical evidence tendered in respect of which she did not hesitate to attach due weight and came to the conclusion that the appellant had failed to establish the defence of insanity set up by her. Said she- C

“Upon a consideration of the whole of the evidence and the behaviour of the Accused person soon after the offence was committed and the outstanding peculiarity of the behaviour pattern of the Accused in that she remembered what she did after the event and why she did it, I hold that the evidence of the prosecution witnesses was not indicative of insanity on the part of the Accused person - in a word, there is nothing in the case for the defence for me to arrive at the conclusion that as at the period of committing the offence it is most probable that Accused person was insane within the meaning of Section 28 of the Criminal Code.” E

The above finding of the learned trial Judge is amply supported by abundant evidence on record which the trial court accepted as established. These include the fact that the appellant before she struck at the scene of crime carefully ensured that both parents of the deceased and the other adult inmates of the premises were not around and that it was safe for her to attack and kill them. The appellant was therefore fully aware that what she planned and executed was wrong and that she ought not to do the act for which she stood trial. F G

In this regard PW.2 testified as follows:-

“I know the accused person. On 1st day of March, 1988 my father Mr. Ogbuani went to the farm so also was my mother. On the same day the accused came to our house and asked for my father and I told her that my father had gone to the farm, so also was my mother. Thereafter the accused went to the main road and looked at both ends of the road to ascertain if any person was coming. During H

this period every person and our neighbours had gone to the farm leaving only small children at home. After accused had ascertained that no body was coming to our house, she went to a mechanic shed and accused picked up a piece of iron rod... The accused came to us, pushed the deceased Peter Ogbuani down and used the piece of iron rod she was holding to hit him on the head several times. The deceased cried as he was being hit on the head by the accused, and told Amoge Ogbuani to run but the accused person after killing Peter pursued Amoge as she was running she entered another person's house and entered under the bed of another woman when accused entered the latter woman's house as she was pursuing Amoge, the woman showed Amoge to the accused who dragged Amoge out from under the bed and used the piece of iron she was holding to kill the deceased Amoge in the woman's house."

D P.W.3 also testified thus:-

"I have known the accused person for about three years. I have never known the accused person as being insane".

P.W. 6, Julius Ahie, a Deputy Superintendent of Police, to whom the appellant was taken on the same date as the incident for the confirmation of her confessional statement to the Police stated:-

"It is correct that when the accused was brought before me, she was normal and gave rational answers to questions I put to her"

There is also the evidence that after killing the deceased persons, the appellant ran away when she saw a policeman in uniform around. This evidence which was accepted by the trial court clearly gives further support to the fact that the appellant knew that what she did was wrong and that she should not do the act for which she was tried. In this regard, P.W. 4, the investigating police officer testified thus:-

"On the strength of this information I ran to the scene with 2nd P.W. and on getting to the residence of 2nd P.W. 1 met the accused person holding an iron rod in her hand, and there was a small girl lying on the ground. She was dead. Immediately the accused saw me she began to run away, I pursued the accused and arrested the accused person with the iron rod. I later took the accused to the Esigie Police Station for investigation."

Under cross-examination, P.W. explained:-

"I was wearing my police uniform and when the accused sighted

me she began to run”.

The rejection by the learned trial Judge of the appellant’s defence of insanity was also given very exhaustive consideration and affirmed by the Court of Appeal. Said the Court of Appeal:-

“The learned trial Judge meticulously considered the evidence led and in particular the defence of insanity and he correctly, in my view, rejected the defence. I, too, think the defence was made up.”

I have myself carefully given adequate consideration to all the evidence led in this case with the findings of the trial court thereupon as affirmed by the court below and can find no reason to interfere with the decisions of both courts in the matter.

It is for the above and the more detailed reasons contained in the judgment of my learned brother, Katsina-Alu, J.S.C., that I, too, find no substance in this appeal which must be and is hereby dismissed by me. The conviction and sentence of the appellant by the trial court as confirmed by the court below is hereby further affirmed.

AYOOLA JSC

I have had the privilege of reading in advance the judgment just delivered by my learned brother, Katsina-Alu, JSC. I agree that this appeal should be dismissed for the reasons he gives.

F

G

H