

IN THE HIGH COURT OF SIERRA LEONE
(HOLDEN AT FREETOWN)

THE STATE

VS.

DAUDA SESAY

BEFORE THE HON. MR. JUSTICE JOHN BOSCO ALLIEU, J.A.

RULING DATED THE 5TH DAY OF MAY 2023.

COUNSEL:

- A. KARGBO FOR THE STATE
- C. TUCKER FOR THE ACCUSED

JUDGMENT

I

This case was commenced by an indictment dated 16th January 2017 which states as follows:

STATEMENT OF OFFENCE

MURDER

PARTICULARS OF OFFENCE

DAUDA SESAY on the 11th day of February 2016 at Freetown in the Western Area of the Republic of Sierra Leone Murdered YEALIE SESAY.

II

The Accused pleaded “NOT GUILTY” to the charge as read and the trial proceeded.

Witnesses were called and they testified. Several voire dire were held when the Accused objected to his Statement sought to be tendered in evidence by the Prosecution.

However, after several session of the Criminal High Court, this case was not concluded. Several factors were responsible for its non completion including difficulties in securing the attendance of witnesses and the non availability of Jurors.

III

On Monday 20th March 2023, Counsel for the Accused plea bargained with Prosecutor.

As a result, the Prosecutor preferred a new indictment in this case which states as follows:

STATEMENT OF OFFENCE

MANSLAUGHTER

PARTICULARS OF OFFENCE

DAUDA SESAY on the 11th day of February 2016 at Freetown in the Western Area of the Republic of Sierra Leone, unlawfully killed YEALIE SESAY.

The Accused pleaded "GUILTY" to the offence as charged.

The Prosecutor offered "NO EVIDENCE" on the earlier charge of Murder and the Accused was accordingly "DISCHARGED" in respect of that charge.

IV

Counsel for the Accused made a plea in mitigation on his behalf requesting this Hon. Court to temper Justice with mercy, that he is a first time offender, that he is now remorseful of his actions, that he has been in detention since February 2016 and that he is now a reformed man.

That State Counsel intimated this Hon. Court that there are no records of previous convictions of the Accused.

V

I have taken into consideration all the issues prevalent in this case.

I also note that a conviction for the offence of manslaughter carries an imprisonment for Life. However, the circumstances of this case, coupled with the Plea in mitigation made for and on behalf of the Accused by his Counsel, I hereby **SENTENCE THE ACCUSED TO A TERM OF IMPRISONMENT OF 15 (FIFTEEN) YEARS.**

.....
HON. JUSTICE JOHN BOSCO ALLIEU, J.A.