

THE TRIBUNAL,

Having regard to the documents of the procedure RP 272/2019;

Hearing the requests of the Public prosecutor;

And after having deliberated in accordance with the law;

Considering that following a summons to the initiative of the Public Prosecutor dated April 12, 2019, AYEMOU Ayémou Paul, 41 years old, was brought before this criminal court charged of having in Abengourou, April 28, 2018, in any case since time such as the facts are not covered by the statute of limitations, committed violence and assault on the person of KOFFI Sandrine Andromaque; of the violence and assault committed, the victim did not suffer from any illness or total incapacity for personal work for more than 10 days;

Facts provided for and punished by articles 345-4 ° and 348 of the penal code;

Considering that it emerges from the record of the proceedings that on November 16, 2018, April 24 2018, Madam the Prosecutor of the Republic at the Court of First Instance of Abengourou seized the police commissioner of the 2nd arrondissement of the same city of a be-forwarded following the letter of complaint from Madam KOFFI Sandrine Andromaque against AYEMOU Ayémou Paul;

Considering that in support of her complaint, Mrs. KOFFI Sandrine Andromaque explained that, wishing to go to the husband's birthday party to one of her friends, she requested the consent of her husband; what she didn't get;

That despite this refusal, she persisted in leaving when she realized that her spouse followed her; That wanting to avoid scandal, she noted, she was going home before appointing Mr. YATTE N'din to change her husband's position;

That she went on to say that having noticed that the latter had entered their home, she took the opportunity to slip away before being caught in the street by the respondent who was armed with a machete who, while shouting insults, threatening to attack her friends;

That she indicated that her life was saved only thanks to the intervention of goodwill people and her proxy;

That she pointed out that her husband had even gone to her friend's home to make a scandal there;

That she ended by saying that the arguments with the respondent were almost daily but that this time, she had been obliged to bring the facts to the knowledge of the judicial and police authorities because of the threat to her life, those of her children and also those of her friends because of the rudimentary weapons that her husband had seized;

Considering that making his testimony, Mr. YATTE N'din argued that furious that the complainant had not complied with his ban on going to the birthday party, the respondent grabbed a machete in hammering that he would take it out to the destabilizers of his couple; That he indicated that having managed to calm him down, he spent the rest of the day with him; He ended by saying that to his knowledge, AYEMOU Ayémou Paul never threatened his wife with a stabbing weapon;

Also heard as a witness, Mrs. TIENDE Joëlle Zita affirmed that the complainant had reached her by telephone to inform her that the respondent was chasing her in the street holding a machete; She added that although she attended the birthday ceremony, she refused to go home because she worried about her life so much that she convinced her to spend the night with her; That against all expectations, she

maintained, the next morning at around 6 am, AYEMOU Ayémou Paul presented himself at the door of her home with insults;

Considering that when questioned at the court, AYEMOU Ayémou Paul maintained his denials of the facts while Mrs. KOFFI Sandrine Andromaque did not appear;

Considering that the public prosecutor requested that this court re-characterize the acts of violence and assault alleged against the accused AYEMOU Ayémou Paul in those of assault, declare him guilty of the facts thus re-characterized and in repression, sentences him to three (03) months of imprisonment and a hundred thousand (100,000) francs fine;

### **Therefore**

#### **In the form**

#### **On public action**

Considering that the accused appeared;

That it is appropriate to rule contradictorily;

#### **On merits**

Considering that the defendant AYEMOU Ayémou Paul does not recognize the acts of violence and assault for which he is accused;

Considering that it is consistent as emerging from the statements of Madame KOFFI Sandrine Andromaque, YATTE N'din and the defendant himself, that the latter cited seized a machete, he said, to threaten the friends of his wife;

But whereas it is undisputed that the friends in question were not present at the time of the facts, unlike the witness victim;

That it follows that the target person was Mrs. KOFFI Sandrine Andromache;

Considering that it is also common ground that the accused did not hit machete to witness victim;

That his actions rather strongly impressed the latter, which put her in a climate of intense fear;

That therefore, the act of AYEMOU Ayémou Paul can be analyzed rather as an assault as provided for and punished by articles 345-4 ° and 348 of the penal code;

That consequently, it is appropriate to find him guilty of the facts thus re-characterized and to apply the criminal law to him;

#### **On costs**

Considering that the defendant succumbs;

That he should be ordered to pay the costs;

### **FOR THESE REASONS**

Ruling publicly, contradictorily, in correctional matters and in first instance;

- Re-characterize the acts of violence and assault articulated against the accused AYEMOU Ayémou Paul in those of assault; Facts provided for and punished by articles 345-4 ° and 348 of the penal code;

- Declares him guilty of the facts thus re-characterized;
- In repression, sentences him to one (01) month of imprisonment and one hundred thousand (100,000) francs fine;
- Warns him that he has a period of three (03) months from the day the sentence becomes final to pay the fine to the Treasury;
- Finally orders him to pay the costs.