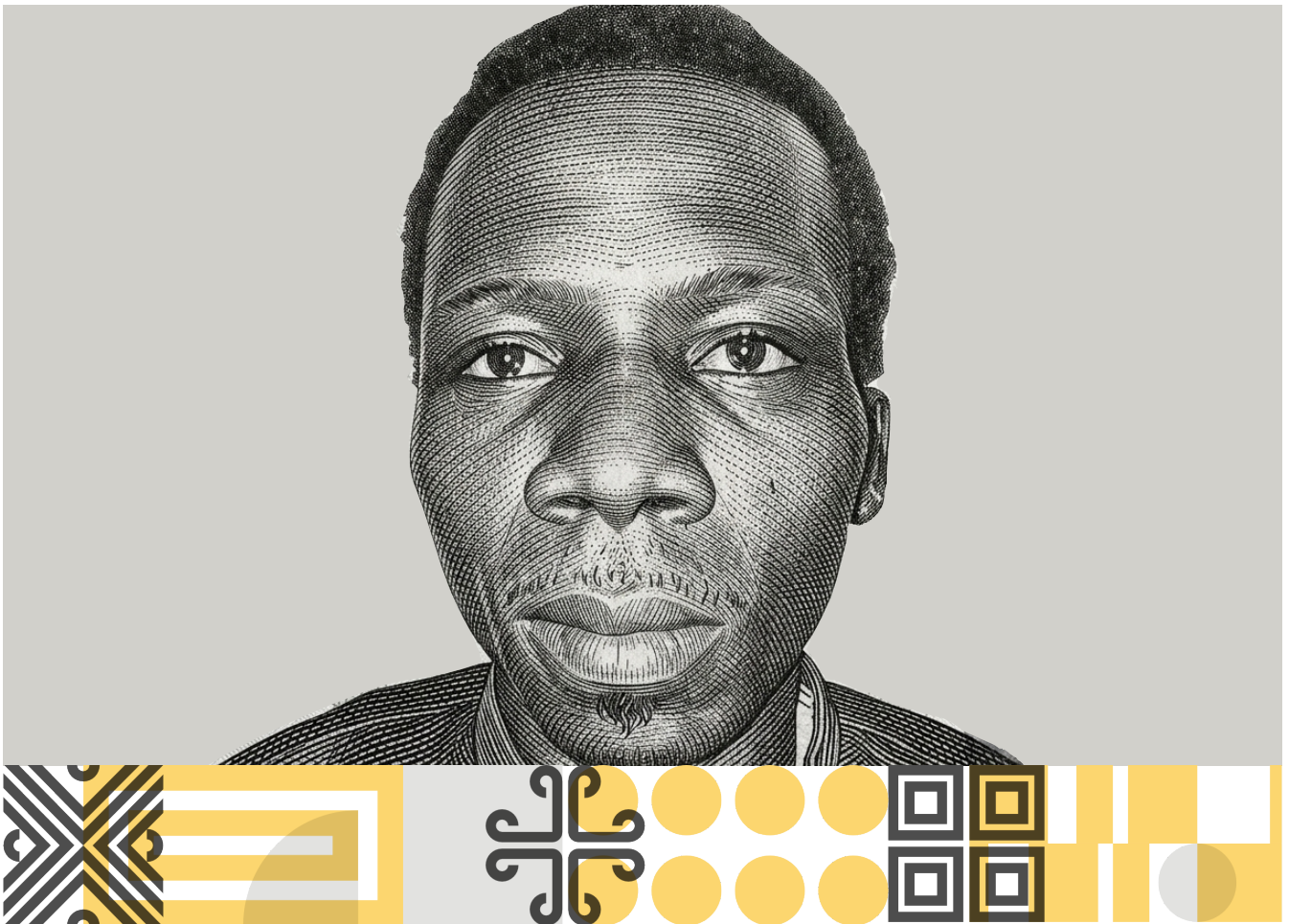


From Courtroom  
to Clemency:  
*The Story Behind  
Jackson v The State*



# From Courtroom to Clemency: The Story Behind *Jackson v The State*

## Introduction

The decision of the Supreme Court of Nigeria in the case of *Jackson v. State*<sup>1</sup> elicited significant social media reaction, mostly due to the public's perception of the apex court's approach as strict and rigid. While the judgment was grounded in established legal principles, its outcome being perceived as unduly harsh, ultimately compelled a state pardon by His Excellency, Rt. Hon. Ahmadu Umaru Fintiri.<sup>2</sup>

## Facts

On February 10, 2021, Sunday Jackson, a farmer, was convicted of culpable homicide punishable with death, contrary to section 221(a) of the Penal Code, Cap 98, Laws of Adamawa State 1997. The conviction arose from an incident involving the deceased, a Bawuro, who had accused certain persons of killing his cattle. After losing sight of the alleged culprits, the deceased, pursued Mr. Jackson and attacked him with a dagger, stabbing him in the back of the neck and on his left leg.<sup>3</sup>

---

<sup>1</sup> *Jackson v State (2025) LPELR-80692(SC)*.

<sup>2</sup> Emmanuel Ande, 'Death Row Inmate Pardoned by Adamawa Gov to Be Released Thursday - Commissioner' (*Punch Newspapers*, 25 December 2025) <<https://punchng.com/death-row-inmate-pardoned-by-adamawa-gov-to-be-released-thursday-commissioner/>> accessed 15 January 2026.

<sup>3</sup> *Jackson v State (2025) LPELR-80692(SC)*.

A struggle ensued between the parties, during which Mr. Jackson overpowered the deceased, wrested the dagger from him, and stabbed him three times in the neck, resulting in the deceased's death.<sup>4</sup>

Mr. Jackson was arraigned to court by the Adamawa State Director of Public Prosecutions on one count of culpable homicide punishable by death, to which he pleaded not guilty, relying on self-defence. However, both the trial court and the Court of Appeal rejected his plea on the ground that he failed to establish all the requisite elements of self-defence.<sup>5</sup> On further appeal, the Supreme Court affirmed the decision of both courts and upheld his conviction.

---

## The Law on Self-Defence in Nigeria

Self-defence constitutes a complete defence to a charge of murder or culpable homicide where successfully established.<sup>6</sup> The law recognises that where a person reasonably believes that his life is in imminent danger or that he is at risk of grievous bodily harm, he is entitled to use such force as is reasonably necessary to repel the attack. Where death results from such lawful defensive force, criminal liability does not arise.

Judicial authorities, including *Benzege v The State*<sup>7</sup> and *Hamman v The State*<sup>8</sup>, have consistently held that for self-defence to avail an accused person, the act must occur in the heat of the moment and be occasioned by grave and sudden provocation sufficient to deprive the accused of self-control. The defensive act must be executed before there is time for passion to cool, and the force employed must be both reasonably necessary and proportionate to the nature and immediacy of the threat confronted.

---

<sup>4</sup> *ibid.*

<sup>5</sup> *Benzege v The State (2017) LPELR-42866(CA)*

<sup>6</sup> *ibid.*

<sup>7</sup> *Benzege v The State (2017) LPELR-42866 (CA).*

<sup>8</sup> *Hamman v The State (2018) LPELR-45392 (CA).*

## The Supreme Court's Ruling

Delivering the leading judgment, Hon. Justice Mohammed Baba Idris held that even though the deceased was the initial aggressor, the appellant's conduct exceeded what was permitted by law. Central to the Court's reasoning was the fact that after successfully disarming the deceased, the appellant stabbed him repeatedly in the neck, a particularly vulnerable part of the body. The Court emphasised that "the right of self-defence does not extend to the infliction of excessive or disproportionate force once the danger has been averted," concluding that the appellant's actions were clearly inconsistent with defensive necessity and justified an inference of an intention to cause grievous harm or death.

The Court further reasoned that the right to self-defence terminates once the imminent threat has been neutralised, holding that any further use of force amounts to retaliation rather than protection. On this basis, it was found that the essential requirements of necessity and proportionality were not satisfied.

In a dissent, Hon. Justice Helen Moronkeji Ogunwumiju cautioned against evaluating proportionality with the benefit of hindsight, warning that "the law must be careful not to assess the actions of a person under sudden and violent attack with the calm detachment of hindsight." Emphasising the realities of unexpected violence and mortal fear, her Lordship ultimately described the appellant as "a proper candidate for the exercise of the prerogative of mercy."

---

## A Critical Appraisal of the Decision

Despite the consistency of the majority decision with the law on self-defence, *Jackson v The State* reveals an enduring tension between formal justice and substantive justice in the application of self-defence under Nigerian criminal law. While the Supreme Court adhered strictly to the established principles of necessity and proportionality, it adopted a largely abstract evaluation of the appellant's conduct, assessing the situation with the benefit of

hindsight rather than situating its analysis within the immediacy and pressure of the circumstances as they confronted the appellant at the material time. Insufficient weight was accorded to the fact that the appellant had already sustained serious stab injuries prior to the fatal act.

Furthermore, the Court gave limited consideration to the psychological realities of reacting to sudden and life-threatening violence. Instead, emphasis was placed on the number and location of the stab wounds inflicted after the deceased had been disarmed. By contrast, the dissenting opinion highlights the reality that defensive action taken under grave fear cannot always be measured with clinical precision. The subsequent grant of executive clemency simply underscores this divergence, highlighting the gap between strict adherence to judicial doctrine and equitable justice.

While procedural correctness was observed, the case ultimately raises a critical question for Nigerian jurisprudence: whether the law of self-defence can be applied with greater nuance and humanity without undermining its doctrinal foundations? Ultimately, it is important to ensure that facts are properly linked to the legal principles of a defence, before they are relied on under Nigerian criminal law.



## About *Firm*

HAMU Legal is a business-oriented law firm, with innovation, technology and a better way of providing legal services at its heart.

We are legal partners to individuals, early-stage companies, and established companies looking for counsel they can trust. We take pride in providing pragmatic and agile legal counsel to clients who are game-changers that believe in disrupting the status quo, in the pursuit of creating impact in their various sectors.

We are driven by our passion for the law and an entrepreneurial spirit to adapt to the changing demands with regards to how legal services are delivered. At HAMU Legal, our clients are more than just clients – they are our partners. Regardless of how long you have been in partnership with us, we are always here to provide excellent, bespoke services to cater for your legal needs.

This article is only intended to provide general information on the subject matter and does not by itself create a client/attorney relationship between readers and Hamu Legal or serve as legal or financial advice.

We are available to provide specialist legal advice on the readers' specific circumstances when they arise. For further enquiries, please reach out to our Intellectual Property and Technology team at [awuese@hamulegal.com](mailto:awuese@hamulegal.com) or [team@hamulegal.com](mailto:team@hamulegal.com).



6 Cairo Crescent, House 9B  
Off Adetokunbo Ademola Cr,  
Wuse 2, Abuja.



[people@hamulegal.com](mailto:people@hamulegal.com)



+234 906 000 5026