

# Police, DPP in standoff over widow accused of killing husband in Ondo

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Late Yinka Olusa

## ***Samson Folarin***

A former auditor at the School of Health Technology, Akure, Ondo State, Yinka Olusa, has not been allowed to rest in peace one year and six months after his death in controversial circumstances.

According to his family, his remains are still at the morgue of the University College Hospital, Ibadan, Oyo State, and he will not be buried until his widow, Toyin Olusa, is prosecuted for alleged complicity in his death. Yinka and Toyin were married for 23 years and had children together.

*Saturday PUNCH* gathered that the Zone 11 Police Command and the Ondo State Directorate of Public Prosecutions, which should be like arbitrators, are in a stand-off, as there are allegations of cover-up, compromise and bribery at both ends.

In October 2018, our correspondent learnt that the DPP asked the police to prosecute Toyin for her role in Yinka's death, but the police rejected the advice.

Since then, the suspect had yet to be prosecuted as the deceased's family reportedly applied for a fiat to enable private counsel to take up the prosecution.

The late Yinka fell ill sometime in 2017 and was taken to a private hospital before his transfer to the State Specialist Hospital, Akure.

He was allegedly discharged from the hospital after his wife and the hospital management had a disagreement.

While at home, Toyin allegedly poured hot water on him as he sustained burns, which led to his readmission at the hospital.

Toyin, however, claimed that she gave him hot tea to resuscitate him when he fainted.

The deceased's sister, Taiwo Olufemi, said she reported the matter at the Ala Quarters Police Station, Akure, as she asked for her brother's transfer to the UCH, Ibadan, where she could monitor his health.

However, he died at the hospital on December 28, 2017.

The matter, which was being investigated at the Criminal Investigation and Intelligence Department, Igbatoro, Akure, was transferred to the zonal command in Osogbo, Osun State.

After trading of blames on the cause of death, an autopsy report stated that the late Yinka died primarily from sepsis with bronchopneumonia and secondarily from extensive superficial burns injury.

The then Zone 11 Police Public Relations Officer, DSP Sola Babalola, said to avoid being seen as partial, the police referred the case file, with the autopsy report, to the DPP for interpretation and advice.

A copy of the legal advice dated October 17, 2018, asked the police to arraign the deceased's wife for assault occasioning bodily harm.

“I hereby recommend that page B1- Mrs Olusa Toyin, be charged with the offence of assaults occasioning harm contrary to and punishable under Section 355 of the Criminal Code Cap 37, Vol. 1 Laws of Ondo State, 2016. The police should continue with the prosecution of the case,” the advice, signed by D.F.A. Omoloye, the Assistant Chief Legal Officer for the Attorney and Commissioner for Justice, read.

The advice, which was addressed to the Deputy Commissioner of Police, State Criminal Investigation and Intelligence Department, Akure, where the matter was first investigated, was forwarded to the Inspector-General of Police, Zone 11, Osogbo.

Some members of the immediate family of the deceased were, however, reported to have written the Ondo State Ministry of Justice, seeking to withdraw the case.

Yinka’s family lawyer, Femi Emodamori, in a rebuttal letter to the Ondo State Attorney General’s office, asked the ministry to discountenance the letter.

“Our clients regard the letter as part of the desperate attempts by Mrs Foluke (Toyin) Olusa to escape justice in the now notorious, sensitive and public-interest generating case of a woman allegedly killing her own husband by cruelty and violence.

“A criminal offence is against the state and no individual citizen has the power under our laws to assume the power of an alpha and omega in a criminal matter by dictating whether or not the state should prosecute a person indicted for committing an offence...” the letter said in part.

A policeman at zone 11 was alleged to have demanded money for mobilisation to arrest and arraign the deceased’s widow.

A few days later, the officer reportedly complained that the Assistant Commissioner of Police, Legal Department, directed that Toyin should not be prosecuted over loopholes in the legal advice.

Again, Emodamori wrote a petition to the AIG, Zone 11, lamenting an alleged plot to cover up the case.

“In actual fact, our client observed and made several complaints to your immediate predecessor in office of several attempts to compromise the case in the course of police investigation.

“The latest refusal of the legal department of your zonal command to enforce the directive in the legal advice is, with due respect, preposterous and suggestive of dereliction of duty as well as compromise of the prosecutorial duty of the police as contained in Section 23 of the Police Act by the officers of your legal department,” he said in the petition.

Saturday PUNCH gathered that the Zone 11 Police Command wrote to the SCIID, Akure, asking it to prosecute the case since the letter from the DPP was addressed to them.

The CIID, Akure, was reported to have further written the Ministry of Justice, stating that the case was investigated by the zonal command and hence the legal advice should be forwarded directly to them.

The deceased’s sister, Taiwo, lamented the way the police were handling the matter.

She said, “For a case like this to be swept under the carpet is disastrous. I cannot comprehend it. It appears like the police are trying to spoil the case. They are playing on our intelligence. For almost three months, the legal advice was hidden from us and now that we have it, nothing has been done.”

Due to the police stand-off, our correspondent learnt that the counsel for the family was advised to apply for a fiat and take over the prosecution.

In a letter to the Ondo State Ministry of Justice, dated April 30, 2019, the lawyer decried the handling of the criminal matter and asked the police to give him authority to prosecute the case.

The Ondo State Attorney-General and Commissioner for Justice, Adekola Olawoye, in his response, dated June 10, 2019, gave Emmanuel the power to prosecute the case.

“You are to brief the office of the Attorney-General every 30 days before judgment and also to revert to this office at the conclusion of the prosecution with report and judgment in the case,” he said in the letter.

Emodamori told *Saturday PUNCH* that he had set out to get the case file from the police to be able to study it and draft charges against the suspect. He said he hoped the process of starting the prosecution would not be difficult.

The Zonal Police Public Relations Officer, Adekunle Ajisebutu, did not answer his calls and had yet to respond to a text message seeking his response to the incident as of press time.

However, the head of the zone 11 legal department, one James, said the complainant's lawyer had already applied for a fiat, adding that the command had nothing to do with the case anymore.

He said, "We are waiting for him to make the application to the AIG for the case file, which would be sent to him. That is the development on that matter now."

An official of the Ondo State Ministry of Justice, Tony Omoloye, said the legal advice had been out a long time, adding that he could not tell why the police did not take up the matter.

Omoloye, a lawyer, explained that the complainant, while expressing doubt in the ability of the police, applied for a fiat.

"Justice is a two-way traffic. Everybody has to be given justice: the victim, the accused, the claimant. We are here to ensure justice. What happened is that legal advice had been issued a long time before now. The lawyer of the complainant has applied for fiat to prosecute the case.

"I don't know (why the police did not act on advice). The person behind the case said she did not have confidence in the police," he said.

The Director of the Ondo State DPP, Grace Olowoporoku, said the complainant's lawyer had already been given a fiat.

"I believe the matter has been taken to court," she added.

The deceased's wife, Toyin, maintained her innocence while reacting to the DPP's legal advice.

She said she agreed with the decision of the immediate family members who asked to withdraw the matter.

She said, “Till Jesus comes, I will continue to say I am innocent.”