

Plea bargain injustice: Controversial judgment deepens agony of family of murdered female lawyer as court sentences killer to 28 years (2)

Tessy Igomu 26 October 2021

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- **Sentence mere pat on the back, says deceased's family**

Three years after the gruesome murder of Feyisayo Obot, an Abuja-based lawyer and mother of two by 21-year-old Joshua Usulor, her family are grief-stricken and pained that despite admitting to the crime, the Lagos State Directorate of Public Prosecutions agreed to a plea bargain agreement with the alleged murderer, TESSY IGOMU reports

Human rights activist and lawyer, Kabir Akingbolu, said plea bargain was not congenial with Nigeria's culture and would likely embolden people to commit a capital offence like murder, bearing in mind that they could only get certain number of years as punishment.

He said, "It is uncalled for and ungodly. I don't support plea bargain in serious offences like murder. It has no place. It is even against public policy that a seasoned lawyer like Feyisayo was killed in that circumstance and the murderer is merely allowed to serve a number of years, after which he will walk out a free man because of a plea bargain. I don't think the law is adequate here. Capital offences should attract maximum punishment. For me, the issue of plea bargain is very unfortunate."

Plea bargain, abuse of process – Lawyers, rights activists

Akingbolu maintained that the position of the law was very clear in a case of murder, noting that maximum punishment, which is death sentence, should apply.

"The reason is to let individuals know that when you take a life, your life will also go. Not that you will walk around freely after killing someone. There is no half measure, except when the murder was not intentional. If it is manslaughter or murder that has a connotation of self-defence, and it is well established, and if that is pleaded, the person can be free," he added.

He explained that the advent of the Administration of Criminal Justice Act recognised plea bargain, adding that it brought with it certain features hinged on not wasting so much money prosecuting cases.

He said, "Cases can be prosecuted for 10 to 15 years and at the end of the day, judgment will be passed, but lots of human resources would have been expended. Plea bargain is aimed at reducing the human capital or resources that would be spent on a case at a time.

"In Nigeria, a person might just harbour hatred for someone and kill the person for no reason, knowing that the punishment is just a few years of imprisonment. Even if it is 25 or 30 years, it will come just like yesterday."

He noted that the non-execution of inmates on death row could have given rise to plea bargain, noting that the prisons were congested and no sitting governor was willing to sign a death warrant.

Akingbolu stated, "I think why plea bargain is coming into our system is because the prisons are congested. Presently, based on statistics given by the Ministry of Interior, 3,008 inmates are on death row, awaiting execution. Before the right to kill them can crystallise, state governors must sign their death warrants. However, no sitting governor wants to sign. Though some human right activists have argued that you can't take the life you didn't give. But our law recognises it.

"Every year, billions of naira is spent to feed people who are not meant to be alive. Death sentence is still part of our law; it has not been abrogated. As long as it remains, it must be executed. Not signing it is a violation of the constitutional duty of a governor.

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"I think the reason why the provision of the plea bargain came in is because, after all, prisoners are not killed and that death sentence automatically transmits to life imprisonment. It is either we keep the death sentence or abolish it. But as long as it's our law, someone can't plea-bargain for murder and get a number of years. It is unfair to the victim, society and to the law itself."

DPP speaks

Reacting to claims by Feyisayo's brother that no member of the family was contacted when the proceedings for the plea bargain were conducted, the Director of Public Prosecutions, Lagos State, Mrs Olayinka Adeyemi, said the family members were never excluded from the process.

"There is no way we would not have informed the family. I don't know who got across to you, but there are some names in the files and I am sure one of those names must have been informed. We can't do anything without informing families of those involved," she added.

Adeyemi explained that plea bargain applied to minor or very serious offences in court and maintained that due process was usually followed when conducting the process.

She stated, "When plea bargain is being considered, several factors are taken into consideration and relatives are usually informed before it commences or proceeds.

"Section 76 of the Administration of Criminal Justice Law stipulates how the process should go, and the sentencing guidelines of the judiciary are all used together to come to a decision."

Adeyemi revealed that the DPP was planning to embark on sensitisation of Nigerians in respect of plea bargain, noting that most people did not understand how the process works.

Ministry of Justice

The Director, Public Affairs, Lagos State Ministry of Justice, Mr. Kayode Oyekanmi, said, "If a court of competent jurisdiction has given a judgment, the best you can do is to appeal. It's very dicey when a court has given a judgment for anyone who is aggrieved to talk about the judgment given by that honourable court. The best anyone can do is to appeal."

He, however, said he was not aware of the matter and promised to find out about it and get back to our correspondent, but he had not done so as of the time of filing this report.

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