THE INTERNATIONAL JOURNAL OF HUMANITIES & SOCIAL STUDIES

Courteous Invitation to Plea Bargain and the Administration of Criminal Justice in the Fight against Economic and Financial Crime in Nigeria: A Critical Appraisal

Daniel Idibia Obida
Ph.D. Student, Department of Jurisprudence and International Law,
University of Lagos, Nigeria

Abstract:
Plea bargain is a negotiated agreement which exists between the prosecutor and a Defendant in criminal cases whereby the Defendant pleads guilty to a lesser offence of multiple charges at the commencement of criminal trial in exchange for some concession usually by the prosecutor. This study set out to investigate the relevance of plea bargain in Nigeria's Criminal Justice System to determine whether its practice is really aiding the criminal justice delivery as advocated by the Administration of Criminal Justice Act, 2015 (ACJA), or it is rather debasing the jurisprudence of criminal trial on the altar of speedy dispensation of justice delivery system. The study finds that while the fight against corruption in Nigeria is the front burner; there is more to corruption than just the bribery and the siphoning of government money. The study finds further that when resources meant for public welfare are stolen by few individuals, the idea of "the winner takes it all" will continue to thrive in our society on the platter of plea bargain. This study notes that plea bargain is threatening to make mincemeat of the raison d'etre of the fight against economic and financial crimes in Nigeria. The study concludes that the notion of plea bargain touches the root of morality and consequently breeding devastating effect on the nations' psyche of sacrificing the legal theory of jurisprudence of criminal trial.

Keywords: *Plea bargain, administration of criminal justice act, criminal jurisprudence, society, reason d'etre*

1. Introduction

Plea bargain may be defined as a negotiated agreement which exists between the prosecutor and a criminal defendant whereby the Defendant pleads guilty to lesser offence of the multiple charges at the commencement of trial in exchange for some concession[1] by the prosecutor, usually a more lenient sentence or a dismissal of the other charges preferred against the defendant. A negotiated plea is known as plea bargain.[2]The subtle of plea bargain in the criminal justice system in Nigeria especially in the fight against corruption is one taken too far. This practice takes place normally during trial of some influential[3] political office holders or executive officers who one way or the other have stolen money from government or public funds either federal or states' treasury. In recent time, plea bargain in the court system has generated heated debates as to whether the practice is aiding and abetting corruption or it is rather, a new critical model of fighting corruption in Nigeria. Plea bargain had indeed thrived in criminal prosecution of many politicians in Nigeria. The most renowned cases in hand include Diepreye Alamiesiegha (former governor of Rivers States in Nigeria) who pleaded guilty to the charges of money laundering preferred against him a Federal High Court in Lagos, Nigeria some years ago. It is still shocking and debatable that the guilty plea set the goal of freedom of freedom for treasury looters from the criminal charges that ordinarily would have convicted the concerned Defendants.

Plea bargain was imported from the leading common law societies into our criminal justice system and this prosecutorial de vice is really dealing with the morals of preserving for intergenerosity in our society. In a Federal High Court case in Enugu state of Nigeria involving the son of a High Chief of Benin Kingdom, [4]the court only imposed a fine of N3.5 million on December 18, 2008 on Igbenedion after he was found guilty of fraud which ran into millions of Naira. The Economic and Financial Crimes Commission (EFCC) was not particularly contented at the turn out of event on the role Plea bargain has played in the prosecution of most criminal cases in Nigeria. The former Chairman of the Economic and Financial Crimes Commission (EFCC), Mrs. Farida Waziri, was reported to have said after that case that:"the plea bargaining which the EFCC duly entered into fell short of the commission's expectation." A possible explanation given by the commission is that it is not every case in the criminal justice system that ought to go to court as the courts would be so laden with overloaded work and it would make the courts to fall short of coping with the task of justice delivery. The purport of plea bargaining is to allow the prosecutor to obtain 'guilty pleas' in certain cases that would otherwise go on

[1]Kana, A. A. Zakari, M. Y. "The State of Plea Bargain in Corruption Trials in Nigeria" Journal of International Law and Strategic Studies (JILSS). Year of Publication is unknown.
[2]Practice and Procedure of Criminal Litigation in Nigeria by Y.D.U. Hambali at p.534
[3]Famoroti, F. "Plea bargaining: A blessing or curse to Nigeria's criminal justice system" (2009)
[4]Ibid.

trial not minding that the prosecution has a good case. Thus, an accused/defendant is advice to plead guilty to a lesser charge which punishment attracts a lighter sentence.

This study is set out to investigate the purport of plea bargain to determine whether itspractice is really aiding the criminal justice delivery system as advocated by the Administration of Criminal Justice Act, 2015 (ACJA), or it is rather debasing the jurisprudence of criminal trial on the altar of justice delivery system. Advocates of social justice in the practice of and in a bid to do substantial justice will definitely query the rationale behind this practice which allowed an offender to pay a fine instead of sentencing such guilty offender to a jail term as deterrent measure. It does not make sense in any society that a man adjudged guilty for a crime which he or she admits and which attract jail term as spelt out by the law to be let off the hook with a light sentence or no sentencing at all after entering into a plea bargain with the prosecution. This study further inquires on thoughts behind the use of plea bargain and the lesson to be learnt if any, from the use of plea bargaining in the Nigeria's criminal justice system. It is not certain if the employment of plea bargain does amount to sacrificing justice on the altar of reducing cost of litigation of criminal prosecutions? The only argument put forward by the proponent of plea bargaining is that adoption of it facilitates speedy determination of many cases and this reduces prolong trial. The question is, when criminal trials are short-changed because of expenses and lesser punishment is given rather that the full jail term laid down by the law, has justice of the case in the eyes of public morality and public been carried out.

1.1. History and Background of Plea Bargaining

Historically, Plea bargaining emanated from the common law countries. It is a feature of the criminal justice system of common law countries[5]however; it is the view of this writer that if countries are to be allowed to grow and develop at their own pace, plea bargain is not yet suitable for the Administration of criminal justice system in Nigeria. Nigeria inherited this practice from Britain. Other countries like the United States of America, Canada are some of the common law countries that have practiced plea bargain systems but it need be noted that in those advanced countries, economic and financial crimes which touches the society's integrity are not given to plea bargain. The legal systems of these counties have developed overtime and certain laws which are no longer in use in most part of Europe has gradually gained entry into the criminal justice systems of developing countries like Nigeria. Although, in Italy, a Federal legislation had been formally been passed introducing plea bargain. The Scandinavian countries differ in the application of plea bargain as most of them are yet to adopt it. Some civil law jurisdictions such as France had recently passed a law which allows the practice of plea bargain. It is hopeful that other civil law jurisdictions would soon follow the example set by France. However, it must be clearly stated that the practice of plea bargain in Nigeria differs from the application in other countries which applies it. Supposing Nigeria adopts the use of plea bargain, it is doubtful if the criminal justice system of the countries would still retain its credibility in the fight against corruption. In Nigeria, Section 13 of the EFCC Act 2004 introduced plea bargain into Nigerian legal system[6] in its fight against economic and financial crimes.

Commentaries from some legal practitioners on the subject, argued that in the Lagos State law, there is procedure for the application of plea bargaining. However, the EFCC Act did not spell out the procedure of its applicability and this was why the decision in Igbindeion's case is still questionable. Another argument was that its application saves money in terms of the cost of investigation of criminal cases and that the adoption of it saves adjudicatory cost and time.

Be that as it may, the use of plea bargaining by law enforcement agency in Nigeria in prosecution of criminal trials is a suspect because its application has been grossly bastardised by the system. In case of fraud and money laundering, plea bargain allows the defendant to return some fraction from the money stolen and she or he is let off. This makes the deterrent measure in punishment of economic and financial crime a non-deterrent. The implication is that a suspect who steals more money knowing very well that he/she would go for plea bargain and secure his/her freedom as there is nothing stopping him/her from continuing to steal much more money provided that he/she can return only a fraction of what has been stolen. At present, there are no parameters of the application of plea bargain in the criminal justice system in Nigeria. This study argues that plea bargaining, the way it is has been practiced on higher profile economic and financial crime offender is an escape route for those who have committed grievous economic crimes. its practice aid, abets the commission of such crime as they hope to get lighter sentences and still come out to enjoy their loot. The current practice of Plea bargain is not structured in such a manner to create a public confidence that justice would not be denied on the platter of justification that it helps speedy dispensation of criminal trials. At the moment, the outcome of plea bargain in the fight against those have looted the public treasury is laughable, a mockery to public policy and morals.

One of the reasons why Africa is not developing is traceable high-profilecorruption. Corruption underscores[7] an in-depth of underdevelopment which ravages the people in the midst of abundant natural resources. The fight against corruption has never been less important, the present practice of plea bargaining posed a big challenge to the fight against corrupt practices by EFCC. The freedom offered by the EFCC Actto the Defendants to opt for plea bargaining by pleading guilty for a lesser offence and be dismissed or given a lesser sentence is not in the least aidingthe Administration of Criminal Justice System especially where it concerns the looting of public treasury by Nigerian politicians. The practice

[5] Ogunye, J, "Criminal Justice System in Nigeria: The Imperative of Plea Bargaining"

[6]See the provision of Section 494(1) ACJA which defined plea bargain as a process where in criminal proceedings, the defendant and the prosecution work out a mutually acceptable disposition of the case, including the plea of the defendant to a lesser offence than that charged in the complaint or information and in conformity with other conditions imposed by the prosecution, in return for a lighter sentences than that for the high higher charge but this is subject to court's approval.

[7]Fagbadebo, O,"Corruption, Governance and Political Instability in Nigeria", (2007) African Journal of Political Science and International Relations Vol. 1 (2), p 1. Available online at http://www.academicjournals.org/AJPSIR (accessed on September 30, 2018).

pleas bargain is not to be understood as bad practice. It is the abuse of it by political bigwigs whom the law should fight that is truly worrisome.

The scope of corrupt practices covers varieties of events leading to giving andtaking of gratification, any act done with intent to give some certain advantages which is inconsistent with the normal official duty by tampering with the rights of others. Even though there is no generally acceptable definition of corruption to which covers all field of disciplines, however it is generally understood be any act carried out by person in fiduciary position who uses his position or character unlawfully or wrongly[8] to procure any benefits for himself which, ordinarily but for his position or advantage, he or she would not have procure such act either for him or herself contrary to rights of others[9] or to his or her normal call of duty. The misuse of office or public funds for private gain, abuse of office by government civil or political officials flowing from self-aggrandizement to embezzlement, selfishness and greed ranging from nepotism to bribery, extortion and persuasive influence of lining public and private actors. Furthermore, it includes grandiose delay in carrying out specific duty by a judge or lawyers such that the more the delay until money exchange hands before such act is carried out in their official capacities are corrupt practices.

Not satisfied with the decision in Inegbedio's case, corruption itself does not facilitate criminal activities; corruption is part of criminal activities. The commission of acts such as "drug trafficking, money laundering and prostitution are ancillaries of corruption and not by themselves corrupt practices but criminal in nature where law prohibits such actions. Practically speaking, the observable fact of corruption in the ordinary context connotes actions which are tainted with debasement, impure and perverting,[10] general dishonesty leading to bribery either in cash or in kind of any sort with extraneous variables.

1.2. Some Known Causes of Economic and Financial Crimes in Nigeria

Corruption has many faces depending on the angle it is viewed and matters connected thereat. In Nigeria and other parts of West African countries, the following attest to the reasons why corruption is prevalent.

- The belief that public wealth belongs to everyone and to no one in particular
- Lack of belief in what tomorrow may bring in democracy I developing states of Africa.
- Too much power concentrated in the central government in case of Nigeria.
- Government being the sole determinant of economic activities ranging from regulating of interest rates, quota systems and preferential treatments to tax issues.
- Lack of decentralize governance based on the philosophy of the winner takes it all attitude amongst leaders and those in governance.
- The absence ofa functional Federal system of government in Nigeria
- The Political instability and the lack of strong judicial institution which is independent of government.
- Constitutional flaws which clothes the governors, head of states and other members of the political class with certain immunities from arrest and prosecution while they are in the office
- The absence of civic education and civic responsibility of the citizenry.

The fight against corrupt practices in Nigeria seems to be taking a new dimension with the enactment of the Corrupt Practices and Other Relation Offences Act 2002 and the Economic and Financial Crimes Commission Act 2002. It has been argued that the origin of corruption in Nigeria permeates the Colonial era. The explanation given by the Colonial Government report dating back to 1947 when trade laws of General Agreement on Tariffs and Trade was created. The report that Africa's background and thoughts on public morality is very different from other European countries is no reason for the continuance of corruption. This study paper is not purely on corruption, it argues that it is not true that it is only Africans in public services that seek to further their own financial interests.[11]It is equally true that when the political leadership class of a country espouses corruption, it becomes difficult for it to act positively to the benefit of the state and its citizens.[12]Odion in his paper argue prosecution of criminal justice from the dimension of restitution.[13] According to him, the present standing of the Administration of Criminal Justice System in Nigeria is the case between the Commissioner of Police and the Defendant in criminal trial proceeding of the defendants. The victims of corrupt practices get nothing as a reward either in monetary terms or otherwise even if the defendant gets jail terms. The question is should states not compensate the complainant whose money has been stolen in that behalf? Furthermore, if the answer is in the negative, why would the state negotiate a plea bargain with the Accused/Defendant without the involvement of public interest, consideration of Public Policy and the interest of the Complainant?

[8]Kayode Eso: "Nigeria and Corruption: Till Death Do Them Part?" edited by Kalu A and Osinbajo Y; in Perspectives on Corruption and Other Economic Crimes in Nigeria. (Federal Ministry of Justice, 1991) at p. 247.

[9]N.A. Inegbedion, "Corruption and Anti-Corruption Legislations in Nigeria: A Critique" (date of publication, unknown) Department of Public Law, University of Benin, Benin City, Nigeria

[10] See Black's Law Dictionary, 6th Edition, (1991 a t page 1152.

[11]See contra discourse by Okonkwo, R. (2007), "Corruption in Nigeria: A Historical Perspective 1947 – 2002)" In AfricanUnchained. Available on http://africaunchained.blogspot.com/2007/09/corruption-in-nigeriahistorical.
Html. (accessed on September 30, 2018)

[12]Ogbeidi M. M.,Political Leadership and Corruption in Nigeria Since 1960: A Socio-economic
Analysis Journal of Nigeria Studies. Vol. 1 Issue 2, 2012.

[13]Odion,J. O."Evolving Restitutionary Rights for Victims of Crime inNigeria: A Focus on Corrupt and Fraudulent Practices" (date of publication is unknown). Odion is a Lecturer at the Faculty of Law, Lecturer, Faculty of Law, University of Benin, Benin City, Nigeria.

The is study argues that while the corruption is endemic in Nigeria, there is more to corruption than just the bribery and the siphoning of government money meant for all the people. The study argues that when resources meant for public welfare are stolen by few individuals, the idea of "the winner takes it all" cannot continue to be allowed to thrive in our society. The argument that Plea bargain has aided the speedy dispensation of the criminal justice system in Nigeria is an embarrassment. Plea bargaining rather sacrifices the national unity of commonwealth begotten from taxes paid by ordinary people at the altar of the defendant pleading guilty for a lesser offence negotiated between him and the prosecutor which makes him go home free from the punishment he/she truly deserves for looting and stealing public monies and converting same to personal use. This study asserts that the practices of plea bargain as currently practiced by EFCC in administration of criminal justice system encourages and further the idea of "someday,[14] it may be one's turn to get his or her bite of the national cake". The Independent Corrupt Practice and Other Related Offences Act 2000, (ICPC) did not define in clear terms what the other "related offences are." Its definition includes fraud, bribery and other related offences. Many lawyers have argued that EFCC and ICPC Acts should be fused together as most of their duties are inter-related. Another writer state that corruption involves offence which aims mainly at the conduct of public officials[15] who take advantage of their positions within public administrations for the purpose of private gains or an aspectr of human endeavour, which when viewed from a reasonable man's point is obnoxious[16], mean, degrading, odious and offencsive to the higher norms of public morals of a respectable society. While corruption simply means perversion of anything which affect its original states with a motif of selfishness and greed to the exclusion of others, it may include but not limited to acting by inducing or both with the intent of securing certain advantage.[17]Nigeria is prevanlent with the cases of systemic corrupiin in both private and pubnlice sectors and this has resulted in the errotion of confideence the general public in the country's governance so mucg so that it has maintained a devastating consequences on the people on the negative part. Ironically, plea bargining is not new as it has been employed in other jurisdictions as tools for quick and effective despensationof certain cases. However, its sue has been subject of abuse. Its effect rather than being encouraged in Nigeria, is not being felt as fastracking of criminal justice system becasue it has not been properly incoroprated and stuturcted into the Nigerian legal framework as it is limited to the Administaration of Criminal Justice System Act.

Mainstreaming the plea bargaining in the prosecution of economic crimes in Nigeria, it would appeal that its use is healthy for high profile government official. The relaiance placed on the provisions of Section (14) (2) of the EFCC Act 2004, has taken anothor dimension that if care is not taken, the fight against corruption will fall flat and make a mockery of the EFCC Act as agency that combat corruption. EFCC has applied plea bargin in arraigment and prosecution of some of its cases, the misgivings, mistrust and legal uncertainties[18] tainted with vain glory is a manifest EFCC's short-coming. Much as the Administration of Criminal Justice Act (ACJA) 2015 tried to cure the legal uncertainties associated with plea bargain, it stil doubtful whether its use has aided the justice of most criminal cases which boarderson economic and financial crime. The question is, to whose advantage is a Plea Bargain? EFCC has emp;loyed the use of plea bargain in the case of the former Instpector General of Police , Tafa Balogun, who even though, certain properties were confiscated, was only sentenceed to six months in prision. This is a mockey of the practice of pleas bargain. In the same vein, the Governor of Edo State, Lucky Igbenedion was charged for looting over N4.4 billion of the Edo State money by corruptly enriching himself at the expense of the people of the state. A plea bargain agreement was struck between him and EFCC. The court impose a fine of the sum of N3.5 million on him but he was charged for N4.4 billion not N4.4 million. The court did not give him a jail term. The question is, how is this finding of court commensurate with the crime committed and how did EFCC measure the deterrant factor in crime punishment with this type of plea bargain agreeemt struck with the former governor of Edo State of Nigeria?

Another case of economic and financial crime is Cicilia Ibru, a former Director and Chief Executive Officer of Oceanic Bank (now defunct). She was arraigned on a 25-count charge flowing from money laundering, embezzlement and financial recklessness amongst others. Under plea bargain agreement between EFCC and the defendant, she pleaded guilty and therefore was convicted of a lesser offence of three-count charge. The court on account of plea bargain sentenced her to only six months imprisonment beside the forfeiture of some of her assets. This study therefore questions the aim of plea bargain in this casein particular, whether it has aided the defendant more or the state on the altar of quick dispensation of justice? What happens to the deterrence factor as a punitive measure in ACJC system of Nigeria? Although, prior to the ACJA 2015, Lagos state in Nigeria has earlier provided for plea bargain in the ACJA 2007 and 2011 respectively. Other states in the country have similar provision in their ACJA on trialsof offences duly established by the Act of the National Assembly especially crimes committed against the Federal Government punishable at the Federal Capital territory, Abuja.

[14]Osipitan[1], T. & Odusote A., "Nigeria: Challenges of Defence Counsel in Corruption Prosecution" (2014), Acta Universitatis Danubius. Juridica, Vol 10, No 3.

[15]Adeyemi, A., "Corruption in Nigeria, the Criminological Perspectives in Perspective of Corruption and Other Economic Crimes" . (1991). (ed.) Kalu and Y. Osibanjo. Lagos: Federal Ministry of Justice.

[16]Bello, E. Evolving a Legal and Institutional Framework for Combating Corruption and other Economic Crimes in Nigeria" (1991). Also see. Kalu, A., & Osibanjo, Y. (ed.) "Perspective on Corruption and other Economic Crimes in Nigeria (ed) Kalu and Y. Osibanjo. Lagos: Federal Ministry of Justice.

[17]Adegbite, LTowards the Evolution of a Corrupt-Free Society, the Role and Duties of the Citizenry" (2013), (eds) Perspective on Corruption and other Economic Crimes in Nigeria.

[18]Odude, F., "Why plea bargain should be mainstreamed in Nigerian criminal justice"(2018) http://www.financialnigeria.com/why-plea-bargain-should-be-mainstreamed-in-nigerian-criminal-justice-blog-332.html. (accessed on September 4, 2018).

The study argues against the position that the wide provisions of the ACJA 2015 Act exposes the Act which plea bargain and the use of wide discretionary powers of prosecuting agencies to consider ina plea bargain agreement. Plea bargain is an agreement between the Prosecutor and the Defendant who is alleged to have committed a crime punishable under the established criminal code or penal code. The concept simply allows the defendant to plead guilty to a lesser offence [19]in exchange of a lighter which has made it uncertain for its suitability for economic and financial crime prosecution. A notable fact in plea bargain is that Judges and Magistrates before whom the Criminal Proceeding is commenced or pending are by law not allowed to participate in the discussions leading to the plea bargain; they are clothed with discretionary powers under the Act with respect to the acceptance of any plea bargain reached by the Defendant and the Prosecution. The purport of this is that where the Magistrate or Judge is not satisfied with the plea entered by the Defendant on the voluntary agreement without undue influence, even though the Defendant pleaded guilty to the lesser charge under the plea bargain, the plea of not guilty for the Defendant maybe entered by, the judge or magistrate and they shall have the power to order the trial of the Defendant's proceeding in the circumstance. Before the establishment of the Administration of Criminal Justice Act (ACJA) 2015, the position of the learned justices was clear with respect to plea bargain.[20]Thus, in the case of the Federal Republic of Nigeria v. Igbinedion[21]already discussed above, the Supreme Court held that, "plea bargain is as at now generally unknown to our criminal justice administration and indeed our criminal jurisprudence." Taking this further, in 2012, Hon. Justice Dahiru Musdapher, former Chief Justice of Nigeria stated that "plea bargaining is a novel concept of dubious origin. It has no place in our law substantive or procedural. The argument of the learned justice was before the enactment of the ACJA. All that has now changed due to the current enactment of the Administration of Criminal Justice Act of 2015.

Ideally, two different types of plea bargain exist. They are Charge bargain, Sentence bargain. Sentence bargain is attributed to plea of guilty which attracts a lesser sentence or a promised of leniency in the punishment. The Prosecutor charges the Defendant with the main offence, but base on the agreement may suggest or recommend to the court a lesser or milder sentence. This writer opines that that this type of plea bargaining as practice in Nigeria may breeds corruption as agreement are between the defendant and the prosecutor may be made on terms beneficial to private interest of both parties as the court is not part of the negotiation. Charge bargain may arise where the Prosecutor agrees with the Defendant to press a lesser charge than that which he would have originally have filed against the Defendant. Most of the time the judge is not involved because the judge ordinarily has no hand in whatever charge the Prosecutor may actually bring against the Defendant. The role of the judge is to adjudicate on whichever charges that are brought before the court.

1.2.1. Merits of Plea Bargain in Developing Counties in Nigeria

- That it helps to downsize the workloads in court for the prosecution trial. It is settled that the state and the court are assisted in dealing with cases faster which reduces the workload of the court in prosecuting criminal cases.[22]
- By agreeing to the blame for their trial, it helps to restructure the offenders who voluntarily submit to their guilt before the law without having to spend so much time on the trials.
- Another added advantage of plea bargain is that it removes uncertainty which ordinarily would take a long trial to prove but the Defendant is made to be sure that the he will not receive more serious charges and punishment for the criminal charge filed against him.
- There is certainty of finding as the Defendant is guilty of a lesser office as long as plea bargain has been entered between the Prosecutor and the Defendant.
- The long track of trail may make certain cases more difficult because of complexity as has been witnessed in economic crimes committed in cross-border jurisdiction but plea bargain prevents such cases from deteriorating.
- Its helps in securing information from the Defendant because the Defendant having pleaded guilty is certain of the sentence for a lesser office and may therefore, volunteer information which help to the Prosecution in prosecuting other cases in like manner.

1.2.2. Demerits of Plea Bargain in Developing Countries

- There is decrease in jurisprudence in the administration of Criminal justice system as plea bargain leads to poor, investigation based on the understating between the prosecutor and the Defendant. Parties normally rely on plea bargaining especially the politicians. This demeans the justice of most cases which are often sacrificed on the altar of plea bargain.
- It is does not encourage fair trial guaranteed by the constitution because it appears to take away the gist of the Defendant's constitutional right to a fair trial as he quickly takes advantages of plea bargain on agreement with the Prosecutor.
- It takes away the constitutional provision of the innocence of the accused until proven guilty by a court of competent jurisdiction; police do not have to carry out diligent investigation anymore once a plea bargain agreement is struck.

[19] Chas, "Examining Plea Bargain Undr the Administration of Criminal Justice Act 2015" (2017) Available online at http://country hillatorneys.com.ng/examining-plea-bargain-under-the-administration-of-criminal-justie-act-2015. (accessed on September 4, 2018).

[20] See Sections 75-76 of the ACJA (nw repealed and Re-enacted) Las of Lagos State, 2011. Thus, the notion as stated by the Learned legal luminaries may with respect, not be totally correct as plea bargain has been in existence before the pronouncement.

[21](2014) ALL FWLAR (Pt.734), 101 at 144.

[22]Oladele, K., "Plea bargaining and criminal justice in Nigeria" (2010), The Punch, Monday October 11, p.68-69.

- Plea bargain, given the experiences by lawyers in court can only lead to fat pockets of the prosecutors because the courts are not part of the plea bargain between the parties and apart from the lesser jail term or sentence, there is every possibility that the Prosecutor may agree to the plea bargain on his own terms with the Defendant.

2. Much Ado about Plea Bargain in Nigeria

> "An effective criminal justice system is fundamental to the maintenance of law and order. Criminal justice, because it addresses behavioral issues, must be dynamic and proactive. Consequently, many of the provisions are outdated and, in some cases, anachronistic. Besides, the loopholes in the laws and procedure have become so obvious that lawyers especially defense lawyers have become masters in dilatory tactics. It has thus, become increasingly difficult to reach closure of any kind in many criminal cases. Convictions or acquittals have become exceedingly rare"[23]

The system of law practice known to Nigeria is that of adversarial/accusatorial system. It is a system whereby the Defendant and the Claimant or complainant and the state battle prosecution and the judge sit as an unbiased umpire to adjudicate over the case. After listening to both sides of the case, the documentary evidence and the testimonies of the parties under examination in-chief and cross-examination, the judge gives a final verdict based on the evidence adduced from the parties. The judge is not allowed to meddle or takes sides during the proceeding of the case. The judge must address himself from such participation. Thus, in LEADERS & CO. LTD VS. BAMAIYI, the court held that a judge is an adjudicator, not an investigator.[24] Unlike the United States and other jurisdictions, Nigeria does not practice inquisitorial system of adjudication where the judge would actually step into the arena of argument, asks questions suo moto from the parties and thereafter arrive at a finding which is conclusive of the matter.The provision of Section 270 of the ACJA is to the effect that the practice of plea bargain is to be practiced in the administration of Criminal Justice. The law empowers the prosecution to consider a plea bargain from a defendant or to offer such plea bargain to the Defendant at will. It further provides that the consent of the victim of the crime needs not be sought before such plea bargain may be entered into, subject to some other conditions laid down in **Subsection** 2 of the Act. [25]

Section 270 (2) provides as follows:

> "The prosecution may enter into plea bargaining with the defendant, with the consent of the victim or his representative during or after the presentation of the evidence of the prosecution, but before the presentation of the evidence of the defense, provided that all the following conditions are present: a. the evidence of the prosecution is insufficient to prove the offence charged beyond reasonable doubt; b. where the defendant has agreed to return the proceeds of the crime or make restitution to the victim or his representative; or c. where the defendant, in a case of conspiracy, has fully cooperated with the investigation and prosecution of the crime by providing relevant information for the successful prosecution of other offenders."

The worries of the exercise of plea bargain stems from the provision of Subsection 3 of the Act which provides as follow:

> "Where the prosecutor is of the view that the offer or acceptance of a plea bargain is in the interest of justice, the public interest, public policy and the need to prevent abuse of legal process, he may offer or accept the plea bargain."

Going by the practices of stealing government money by Nigerian politicians, provision of S.270 (2) is not apt for the protection of policy.[26] Where a crime is committed, it becomes the case between the State v. the Defendant and when the prosecution who prosecute criminal offence in the stead of the public is given a limitless arm to negotiate a plea bargain with the Defendant or even be the first to put or suggest it to the Defendant, it is very worrisome because personal interest may overrides the state. The argument of this paper is that the treasury looters in Nigeria have enough money to bribe the prosecutor or State Counsel. What is the essence of prosecution when a Defendant steals the sum of N500, 000.000.00 (Five Hundred Million Naira) and negotiated his plea bargain to return the sum of NN300, 000,000.00 (Three Hundred Million Naira only) back to the covers of government and get a lesser sentence? Does this measure serve as deterrent which the punitive measuring of sentencing is out to achieve before the public? It is doubtful. The application is very suspicious in our legal system.

According to Oigiagbe, [27] the provision of the subsection is mainly out to ensure that there is no room for offering or accepting preposterous bargains which are against policy, public interest and the legal process in mind while negotiating with the Defendant. Again, the argument here is, who really has the interest of the public, the citizens and the process of legal process at heart when the presence of systemic corruption is everywhere in the country? There is no yardstick to measure the inherent lack of or presence of selfish interest on the part of the prosecution as long as it is back up by ACJA of 2015, the EFCC and other laws with respect to corruption in Nigeria.

---

[23]Oigiagbe , U., Restructuring Our Criminal Justice System—Plea Bargaining, A Solution? By Ojo Yewande & Adefuye Israel" (2017). Available Online at https://www.lawyard.ng/restructuring-our-criminal-justice-system-plea-bargaining-a-solution-by-ojo-yewande-abolade-ll-b-hons-bl-and-adefuye-adewale-israel-ll-b-hons-bl/. Accessed on September 6, 2018). The above quotation is credited to Professor Yemi Osinbajo of the Faculty of Law, University of Lagos, Nigeria.

[24] (2010) 18 N.W.L.R. (Pt. 1225) 329, 340 @ PARAS A-B Fabiyi, J.S.C.

[25]Ibid.

[26]Ibid

[27]Supra, note 20 at page 11.

A cursory view at the provisions of S. 270 (8_ (9) (10) provides for the role of judges or magistrates in a plea bargain agreement. It is to the effect that plea bargain must be in writing, which the judge will directly confirm from the defendant whether or not the plea was entered into under duress or voluntarily. Where the defendant confirms that he admitted to all the charges and that the agreement was without any form of duress or force, the judge is under duty to consider the sentence agreed and the appropriateness of it or otherwise. It is only when the court is satisfied with the above stated conditions that the agreement would be made as the judgment of the court. Depending on the gravity of the office, punitive measures ranging from forfeiture to confiscation of assets or monies are some of the measures to be taken by court. It should be noted that it is only the ACJA that provides for plea bargain in Nigeria. In fact, before the enactment of ACJA, the EFCC Act was enacted. The provision of Section 14 (2) of the EFCC provides that:

> "Subject to the provisions of section 174 of the Constitution of the Federal Republic of Nigeria, 1999 (which relates to the power of the Attorney-General to institute, continue, takeover or discontinue any criminal proceedings against any person in any court of law), the Commission may compound any offence punishable under this Act by accepting such sums of money as it thinks fit, exceeding the amount to which that person would have been liable if he had been convicted of that offence."

The Act did not expressly made mention of plea bargain; the intendment of the above provision is interpreted as plea bargain. Any act of negotiating agreement which leads to lesser sentences in lieu of going to trial is in that behalf, a plea bargain and this has been practiced by the Prosecutors of EFCC cases. The only difference in the provision of plea bargain in under the EFCC Act is the subjection of the provision of Section 174 of the 1999 Constitution of the Federal Republic of Nigeria (as amended). A point of divergence is the provision of Section 75 of the Administration of Criminal Justice Law of Lagos State. The section provides as follows:

> "Notwithstanding anything in this Law or any other law, the Attorney-General of the State shall have power to consider and accept a plea bargain from a person charged with any offence where the Attorney-General is of the view that the acceptance of such plea bargain is in the public interest, the interest of justice and the need to prevent abuse of legal process."

It appears the ACJL of Lagos State did not subject the law to the constitution or any other law, whether this was an omission or it is a direct expedition it remains an academic exercise. Rethinking plea bargain in our criminal administration appears to have suffered from the no known recognition by the provision of Section 36(5) of the constitution of the Federal Republic of Nigeria 1999 (as amended) which provides that 'an accused person is presumed innocent until proven guilty by a court of competent jurisdiction.' By plea bargain agreement, the prosecution lost the opportunity of proven the accused guilty beyond reasonable doubt as provided for in Section 135 (1) (2) and (3) of the Evidence Act 2011.[28] The rebuttable presumption of innocence is cut off from the beginning of a case even before it hits the trial court as plea bargain agreement would have already been struck by the prosecution and the accused who then naturally pleads guilty with assurance of a lesser sentence. The writer opines this is a mockery of the criminal adjudicatory system in our courts. The spirit and letter of criminal trial is that the burden of proven of the accused guilty is on the prosecution not the accused. The admission of guilt by the accused/defendant is a rape of the provision of S. 135 (1) (2) (3) of the Evidence Act and Section 36(5) of the Constitution of the Federal Republic of Nigeria. It is an elementary law that the constitution is the mother of all laws because any law or rule or practice that runs apposite to the provisions of the constitution is void as stated in Section 1 (3) of the Constitution. Section 1 (3) provides that 'if any other law is inconsistent with the provisions of this constitution, this constitution shall prevail, and that other law shall be to the extent of the inconsistency be void'. Taking this provision into consideration, the plea bargain becomes void as it is inconsistent with the provision of the constitution. According to Adeleke,[29] plea bargain which was introduced into the administration of criminal justice in Nigeria and have achieved several feats in exposing and sentencing of people who were guilty of corruption. However, he did not explain the consequences of this plea bargain with the provision of the constitution especially the presumption of innocence. The high-profile people who are looters of government treasury which cannot be morally justified are let free on the platter of pleas bargain. It does not lead to the happiness of the greatest number of the people of Nigeria. It seems to open the doors for free stealing and pleading guilty for lesser sentence. This application of plea bargain is unfair to the people of the Federal Republic of Nigeria as tax payer as it will not abate looting or stealing from national treasury.

In Nigeria, it is a paradox that Nigeria being the world's eightieth largest exporter of crude oil, a country enriched with many resources but yet, has her more than 75 percent population living below the poverty level because of a few corrupt people.[30] Corruption has permeated the economic management of Nigeria in all strata. Furthermore, personal aggrandizement has been the object of the goal of every treasury looter at the expense of the wider national interests. It is such that most emphasis has been on personal self-glorification and stomach infrastructure;it is such that corruption has become a euphemism for explaining some political leadership in the country in relation to discussions on management of national wealth and human development for inter-generational equity.

On whether plea bargain is to be or not to be, it need be noted that the practice of plea bargain is somehow becoming one of the most useful means of quick disposal of criminal trials throughout the whole world. It is believed that

[28]See comments from Matrixwsolicitors at http://www.matrixsolicitors.com/articles. (accessed on September 6, 2018)

[29]Adeleke, G. O. "Prosecuting Corruption and The Application of Plea Bargaining in Nigeria: A Critique" **(2012),** International Journal of Advanced Legal Studies and Governance Vol. 3 No.1, April 2012.

[30]Ogbeidi, M.M.**, *"Political*** Leadership and Corruption in Nigeria Since 1960: A Socio-economic Analysis"*(2012), Journal of Nigeria Studies, Vol. 1. No.2.*

it has more advantages and positive impacts in Nigeria despite the attendant critiques.[31] Mr. Bayo Adetomiwa considers the advantages of plea bargain on cost of trial for both the accused and the prosecution, length of trial, uncertainty of trial and the fact that it lessened the burden of conducting trials on every criminal allegation charged.[32]According to Ibrahim Magu, EFCC boss, plea bargain has many rewards for the accused person and the Prosecution. He put it thus:[33]

> ''If a defendant agrees to plead guilty to certain charges in exchange for a lighter sentence than they would have received if found guilty after a full trial, plea bargaining could work subject to the court's approval. ''Plea bargaining avoids trial and saves valuable court time and state resources expended on prolonged litigation. ''It is almost like a reward for the quick admittance of guilt and for not wasting the court's time; so, the severity of a maximum sentence of 25 years could turn to 15 or 10 years at the recommendation of the prosecution and depending on the agreement reached.'' The EFCC however argued that a lighter sentence does not necessarily constitute a slap on the wrist as many Nigerians have often described plea bargaining. ''In essence, you have a situation where neither the prosecutor nor the defendant is happy. ''The prosecutor is unhappy the defendant gets a "lighter sentence" than what is authorized by law. ''The defendant is unhappy he/she still goes into the books as a convict and still gets punished albeit "lightly".[34]

2.1. The Nigeria Courts and Plea Bargain

The nation's untimely romance with plea bargaining started with Diepreye Alamieyeseigha, former Governor of Bayelsa State of Nigeria in 2005. He was arraigned on a six-count charge of official corruption and found guilty and sentence to two years' imprisonment on each count which was to run concurrently on account of plea bargaining. This was based on agreement reached with the prosecution that he would receive a lighter sentence and confiscation of most of his loot. This made him to spend only few days in incarceration as he was already in custody for two years before his actual conviction. Tafa Balogun was an ex-Inspector-General of the Nigeria Police. He was accused of stealing over N18 billion of Police funds. He entered plea bargain with the Prosecution and was sentenced to only six months imprisonment running from the time of his arrest such that Balogn only spent brief period on a hospital bed and had most of his property confiscated. The question is, does this sentence justifies the punitive measure that criminal sentencing was intended to achieve? The Halliburton and Siemens case are another example of plea bargain. This is a case in connection with the transnational corporations beginning with the construction giant, Julius Berger which was left off the hook after agreeing to pay the Federal Government N4 billion Naira for complicity in the Halliburton bribe scandal. It was also alleged that Siemens also agreed to pay the government N7 billion Naira for its malfeasance contraption in connection with the payment of the EUROS 17.5 million to many overzealous, avaricious and corrupt Nigerian official in exchange for the Nolle Prosequi of the Attorney-General of the Federation. There is presently an amplified misgiving about the adoption of plea bargaining in Nigeria; the legal practitioners and laymen alike. In Nigeria, it is significant to say that the overwhelming majority both lawyers and now lawyer alike states that plea bargaining should not constitute part of the countries' criminal justice system at the time when there seems to be a total war declared against corruption. Before the adoption of this plea bargain there is need to carry out opinion pool because rather than help fight against corruption against high profile politicians, it is a bait to allure them and free them from the punishment they deserve under the ACJA.

As good as plea bargain may seems, it is not in all cases that plea bargain agreement sailed through before the court. There are cases where the plea has failed woefully and they may be highlighted above. Recent cases of plea bargain include but not limited to the wife of the former President of the Federal Republic Nigeria, Patience Goodluck Jonathan, the former Federal Capital Territory Minister, Jumoke Akinjide.[35] In the case of Mrs. Patience Jonathan, certain strange payment of $11,489,069.03 was paid into her domiciliary account which attempted to be settled out of court. According to EFCC, 31 individuals and companies made some questionable deposits in Patience Jonathan's First Bank and Skye Bank accounts between 2013 and 2017 respectively. Other proceeding which she was also involved was several forfeiture proceedings of multi-million dollars at the Federal High Court in which she prayed the court in one of such cases to unfreeze her accounts containing the sum of $15.5 million. She was also involved in other cases of forfeiture of $8.4 million and $7.35 billion. This is one case too many against Patience Jonathan. The funds were said to be proceeds of unlawful activities. Though the term 'unlawful activities was not defined by the Commission, it is believed to beillicit funds. This allegation was denied by Mrs. Jonathan as she stated that the money was either inherited or cash gifts. Attempts were made by Chief Adedipe (SAN) at settling the matter with amicable resolution with the commission. The Learned SAN her counsel requested for an appointment with the EFFC.

---

[31]See the case of In Federal Republic of Nigeria V. Lucky Igbinedion (2014) LPELR – 22760 (CA, per Ogunwumiju where the advantages of plea bargain were outlined at apges 75-76.

[32]See Bayo Adetomiwa on The Concept of Plea Bargaining in Nigeria" (date of publication is unknown) Available online at https://www.google.com.ng/search?q=Bayo+Adetomiwa+on+The+Concept+of+Plea+Bargaining+in+Nigeria&oq=Bayo+Adetomiwa+on+The+Concept+of+Plea+Bargaining+in+Nigeria&aqs=chrome..69i57.1657j0j7&sourceid=chrome&ie=UTF-8.

[33]Idhiarhi, S., "Practice and Procedure of Plea Bargain Under ACJA ACT" (2017). Available online athttps://punchng.com/practice-procedure-plea-bargain-acj-act/ . (accessed on September 7, 2018).

[34]Jerrywright Ukwu "EFCC clarifies the concept of plea bargaining" (2017). Available online onhttps://www.naija.ng/1091004-efcc-clarifies-concept-plea-bargaining.html#1091004. (accessed on September 7, 2017).

[35]Jibueze, J., "Is plea bargaining still fashionable?" (2018). Available online at http://thenationonlineng.net/plea-bargaining-still-fashionable/. (accessed on September 6, 2018)

Another interesting case of failed plea bargain in Nigeriathe case of Jumoke Akinjide, the former minister of the Federal Capital Territory. The out of court settlement between the commission and Mrs. Akinjide failed. The former minister was charged for money laundering by the commission. She was accused of laundering N650 million together with the former minister for Petroleum Resources, Dieziani Alison-Madueke at the time of writing the paper was traced to Dominican Republic. In Dominica, she was given a diplomatic passport and made an Ambassador by Dominican government to another country. Other people accused of money laundering include a former Oyo Central representative, Senator Ayo Adeseun and Chief, Mrs. Olanrewaju Otiti, who were also accused of laundering N650 million. The plea that the money had been returned was rejected by the commission. Rotimi Oyede poof EFFC told the court that he had 'instruction to reject and turn down the offer that it falls shorts of the provisions of the ACJA.[36]Mr. Haruna Jauro, former Administration and Safety Agency (NIMASA) who was the acting Director –General through his lead Counsel, Babajide Koku (SAN) informed the Federal High Court in Lagos that his client was exploring option of plea bargain with EFCC. This was after Mr. Jauro had pleaded not guilty to the charge of N305 million alleged fraud. However, the court was later told that Mr. Jauro had withdrawn from the plea bargain talks. Another failed plea-bargaining talk is that of a former Chief of Air Staff, Air Marshal Adesola Amosu (Rtd.) charged with money laundering of N21 billion. A proposal of plea bargain talks with the EFCC was entered. Although a source disclosed that Amosu[37] had returned some money to the Federal Government, despite admission by Chief Ayorinde while arguing the bail application stating that Amosu has returned colossal amount to the Federal Government, the Commission arraigned Amosu alongside with Air Vice Marshal, Jacob Adigun and Air Commodore Olugbenga Gabdebo of converting N21 billion from the Nigeria Air Force in 2014.

As provided by the ACJACF the court has discretion to reject plea bargain where it is satisfied that the agreement reached between the Prosecution and the Defendant is not in the public interest. One of such case is the case of former independent National Electoral Commission (INEC) Administrative Secretary Mr. Christian Nwosu who reached a plea bargain agreement with the Commission but it was rejected by the court in April, 2018. Nwosu had pleaded guilty to receiving the sum of N30 million from Mrs. Diezani Madueke to rig the 2015 election. He was arraigned together with Y. Adedoyin and TijuanaBasher before Justice Idris of the Federal High court. They were alleged to have received the sum of N264.88 million bribes in 2015. It was alleged that Nwosu opted for plea bargain and had returned N5 million and surrendered a title document of a landed property he bought for N25 million in Delta State. In convicting Nwosu, Justice Iris during sentencing stated that after going through the plea bargain agreement, he found that it was not commensurate with the offence as specified on the money laundering Act. According to the Judge, the plea bargain agreement struck did not commensurate with the punishment of two years imprisonment or a fine of N10 million or both. This is one case where the court suo moto decided that the plea bargain was not sufficient and held otherwise.

Successful plea bargains include the cases of Adedoyin for accepting over N70 million bribes from Mrs. Alison Maduake to rig the 2015 election results. In 2008, Lucky Igbenedion struck a notable plea bargain agreement with EFCC who due to the plea bargain agreement, reduced the 191-count charge to only one-count charge and to which Mr. Igbenedion pleaded guilty and was duly sentenced for embezzlement of the sum of N2.9 billion. Justice Adamu Abdul Kafarati sentenced Mr. Igbenedion to only six months imprisonment or an option of payment of the sum of N3.6 million. The decision of the Honourable Court led toall outburst of public out-cry which made EFCC to preferred a fresh charge against Igbenedion but the Judge said that would amount to double jeopardy. The question begging for answer is whether this country is ripe for plea bargain? The situation where criminal cases are based on negotiation between the defendant and the prosecutions is dicey. Anything on private gains could have been arrived at outside the court and the court is not part of such negotiation. Abimbola Akosile commenting on plea bargain put it thus:

> "As a way to helping loo% recovery from semi-repentant corrupt officials, plea bargain is allowed; but as a deterrent to high-level corruption, plea bargain just does not cut it. More corrupt officials will simply steal billion and return some percentage of same loot to a grateful government, lie low for a few years and then re-emerge again the warm embrace of a permissive society to spend their looted sum. Naming and total forfeiture of their total assets is better."

Another commentary is from Ms. Nkeiruka Abanna from Lagos. She believes that "plea bargaining not only secures a guaranteed conviction; it ensures that trials are done way with in record time. It greatly reduces the cost of prosecution and reduces the load on an overstretched judiciary. According to her, contrary to the popular opinion, plea bargaining ensures thatone is not allowed to hold or run for public office ever again after the conviction as one is regarded as an ex-convict. She believes that the Federal Government spends a lot of money on loot recovery. However, Mr. Buga Duni from Jos, Pleteau State of Nigeria does not seem to agree entirely with the above opinion. He said he believes that plea bargain is another way of encouraging corruption in leadership because it will give room for looting hoping that if the looters are caught, they would go for plea bargain and return some money and take the rest of the stolen money to their comfort zone. He opined that whoever loots should be taken to court to face prosecution in deterrent of others who may engage in looting the treasury.

Mr. Sonny Okobi from Lagos State is of the opinion that plea bargain is open to abuse and that he would advise against the use of its wide implementation. He believes the key that will unlock the door of success in managing corruption is the body language of government. Also, if the ordinary Nigeria sees tangible improvement in her/his existence, then there will be a reduction in the resistance to policies of government and public opinion will swing against the use of plea

---

[36]Ibid.

[37] The Punch Newspapers, March 8, 2018 edition. Available online at https://punchng.com/n22-8bn-fraud-amosu-efcc-yet-to-agree-on-plea-bargain-terms/. (accessed on September 7, 2018).

bargain because it will be seen as 'soft landing for corrupt criminals. Iheanyi Chukwu, Apo, Abuja, Nigeria believes that plea bargain is the best option for the current situation in today Nigeria. His reason is that in advance climes government relies on plea bargain tremendously because it is a win-win situation for all parties concerned. He said it saves money, time, resources and energy in the dispensation of criminal justice. Mr. Apeji Onesi in Lagos State believes that plea bargaining has only deepened to worsen corruption in a high level. He said the more one sees the lessone understands. He questions why one would steal $1 billion and thereafter bargain to settle at N5 million Naira. The question is howsuch plea bargain encouraged the fight against corruption in Nigeria. He advised that since Nigerians are watching, government should better address the crucial national issue in order to take the credit before it is too late. In the opinion of Mr. Dogo Stephen who is based in Kaduna, plea bargain does not check corruption, rather it encourages corruption. He states further that under plea bargain, the thief gets to keep part of his loot and is encouraged to steal more in order to cushion how much he releases to the law in order to gain freedom.

3. Conclusion/Recommendation

Given that corruption is cankerworm in Nigeria especially in the public sector, the most pronounced partly because of insecurity of tenure or fear of the unknown condition of pennilessness after years of dutifully service to the nation should be discouraged. But even with all these explanations, no amount of excuse can rescue the dastard act of treasury looters which has crippled the economy of this great nation and killed the inter-generational equity dream. This paper notes that the plea bargain is threatening to make mincemeat of the raison d'etre[38] to the fight against corruption in this great country. The notion of plea bargain has operated touching the root of morality and consequently breeding devastating effect on the nations' psyche that questions are on whether this country is ripe for the practice. This study calls for the restructuring of plea bargain. Presently, the practice of it does not seem to take into consideration the public interest in negotiation between the Prosecution and the Accused/Defendant. This negotiation must and should be regulated with an umpire who should represent the public interest since the law, as is well-known, is a category constituting part and parcel of the superstructure which is, more often than not, determined, conditioned and influenced by the economic base of the society.[39]

4. References

i. Adegbite, LTowards the Evolution of a Corrupt-Free Society, the Role and Duties of the Citizenry" (2013), (eds) Perspective on Corruption and other Economic Crimes in Nigeria.
ii. Adeleke, G. O. "Prosecuting Corruption And The Application Of Plea Bargaining In Nigeria: A Critique" (2012), International Journal of Advanced Legal Studies and Governance Vol. 3 No.1, April 2012.
iii. Adeyemi, A., "Corruption in Nigeria, the Criminological Perspectives in Perspective of Corruption and Other Economic Crimes". (1991). (ed.) Kalu and Y. Osibanjo. Lagos: Federal Ministry of Justice.Analysis Journal of Nigeria Studies. Vol. 1 Issue 2, 2012.
iv. Bayo Adetomiwa on The Concept of Plea Bargaining in Nigeria" (date of publication is unknown) Available online at https://www.google.com.ng/search?q=Bayo+Adetomiwa+on+The+Concept+of+Plea+Bargaining+in+Nigeria&oq=Bayo+Adetomiwa+on+The+Concept+of+Plea+Bargaining+in+Nigeria&aqs=chrome..69i57.1657j0j7&sourceid=chrome&ie=UTF-8.
v. Bello, E., Evolving a Legal and Institutional Framework for Combating Corruption and other
vi. Black's Law Dictionary, 6th Edition, (1991 a t page 1152.
vii. Okonkwo, R. (2007), "Corruption in Nigeria: A Historical Perspective 1947 – 2002)" In African Unchained. Available on http://africaunchained.blogspot.com/2007/09/corruption-in-nigeriahistorical.
viii. Chas, "Examining Plea Bargain Undr the Administration of Criminal Justice Act 2015" (2017) Available online at http://country hillatorneys.com.ng/examining-plea-bargain-under-the-administration-of-criminal-justie-act-2015. (Accessed on September 4, 2018).
ix. Fagbadebo, O,"Corruption, Governance and Political Instability in Nigeria", (2007) African Journal of Political Science and International Relations Vol. 1 (2), p 1. Available online at http://www.academicjournals.org/AJPSIR (accessed on September 30, 2018).
x. Famoroti, F. "Plea bargaining: A blessing or curse to Nigeria's Criminal Justice System" (2009)
xi. Federal Republic Of Nigeria V. Lucky Igbinedion (2014) LPELR – 22760 (CA, 75-76.
xii. Html. (accessed on September 30, 2018)
xiii. Idhiarhi, S., "Practice and Procedure of PPlea Bargain Under ACJA ACT" (2017). Available online at https://punchng.com/practice-procedure-plea-bargain-acj-act/. (Accessed on September 7, (2018).
xiv. Jerry Wright Ukwu "EFCC clarifies the concept of plea bargaining" (2017). Available online onhttps://www.naija.ng/1091004-efcc-clarifies-concept-plea-bargaining.html#1091004. (accessed on September 7, 2017).
xv. Jibueze, J., "Is plea bargaining still fashionable?" (2018). Available online at http://thenationonlineng.net/plea-bargaining-still-fashionable/. (accessed on September 6, (2018)

[38]"Plea Bargaining, Public Service Rules and Criminal Justice in Nigeria" (2011). Available online at https://www.thenigerianvoice.com/news/48306/plea-bargaining-public-service-rules-and-criminal-justice-i.html. (accessed on September 7, 2018).
[39]Ibid.

xvi. Kana, A. A. Zakari, M. Y. "The State of Plea Bargain in Corruption Trials in Nigeria" Journal of International Law and Strategic Studies (JILSS). Year of Publication is unknown.

xvii. Kayode Eso: "Nigeria and Corruption: Till Death Do Them Part?" edited by Kalu A and Osinbajo Y; in Perspectives on Corruption and Other Economic Crimes in Nigeria.(Federal Ministry of Justice, 1991) at p. 247.

xviii. Economic Crimes in Nigeria" (1991).

xix. Kalu, A., & Osibanjo, Y. (ed.) "Perspective on Corruption and other Economic Crimes in Nigeria (ed) Kalu and Y. Osibanjo. Lagos: Federal Ministry of Justice.

xx. Matrixwsolicitors at http://www.matrixsolicitors.com/articles. (accessed on September 6, 2018)

xxi. N.A. Inegbedion, "Corruption And Anti-Corruption Legislations In Nigeria: A Critique" (date of publication, unknown) Department of Public Law,University of Benin, Benin City, Nigeria

xxii. Odion,J. O." Evolving Restitutionary Rights For Victims Of Crime In Nigeria: A Focus On Corrupt And Fraudulent Practices" (date of punlication is unknown). Odion is a Lecturer at the Faculty of Law, Lecturer, Faculty of Law,University of Benin, Benin City, Nigeria.

xxiii. Odude, F., "Why plea bargain should be mainstreamed in Nigerian criminal justice"(2018) http://www.financialnigeria.com/why-plea-bargain-should-be-mainstreamed-in-nigerian-criminal-justice-blog-332.html. (accessed on September 4, 2018).

xxiv. Ogbeidi M. M.,Political Leadership and Corruption in Nigeria Since 1960: A Socio-economic

xxv. Ogbeidi, M.M., "Political Leadership and Corruption in Nigeria Since 1960: A Socio-economic Analysis" (2012), Journal of Nigeria Studies, Vol. 1. No.2.

xxvi. Ogunye, J, "Criminal Justice System in Nigeria: The Imperative of Plea Bargaining"

xxvii. Oigiagbe , U., Restructuring Our Criminal Justice System—Plea Bargaining, A Solution?

xxviii. Ojo Yewande & Adefuye Israel" (2017). Available Online at https://www.lawyard.ng/restructuring-our-criminal-justice-system-plea-bargaining-a-solution-by-ojo-yewande-abolade-ll-b-hons-bl-and-adefuye-adewale-israel-ll-b-hons-bl/. Accessed on September 6, 2018.

xxix. Oladele, K., "Plea bargaining and criminal justice in Nigeria" (2010), The Punch, Monday October 11, p.68-69.

xxx. Osipitan[1], T. & Odusote A., "Nigeria: Challenges of Defence Counsel in Corruption Prosecution" (2014), Acta Universitatis Danubius. Juridica, Vol 10, No 3.

xxxi. Plea Bargaining, Public Service Rules And Criminal Justice In Nigeria" (2011). Available online at https://www.thenigerianvoice.com/news/48306/plea-bargaining-public-service-rules-and-criminal-justice-i.html. (accessed on September 7, 2018).

xxxii. Practice and Procedure of Criminal Litigation in Nigeria by Y.D.U. Hambali at p.534.

xxxiii. Section 494(1) ACJA

xxxiv. Sections 75-76 of the ACJA (now repealed and Re-enacted) Las of Lagos State, 2011.

xxxv. The Punch Newspapers, March 8, 2018 edition. Available online at https://punchng.com/n22-8bn-fraud-amosu-efcc-yet-to-agree-on-plea-bargain-terms/ . (accessed on September 7, (2018).