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One Rule for the Goose, One for the Gander? The Use of Plea Bargaining for High Profile Corruption Cases in Nigeria

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Abstract

Controversies have continued to trail the adoption and use of plea bargaining in the criminal justice administration in Nigeria, particularly in prosecuting high profile corruption cases. This paper interrogated the pros and cons of its application by the Economic and Financial Crimes Commission (EFCC) to recover looted funds from high profile corrupt public officials. Leaning heavily on sociological school, which emphasizes the relationship between law and the needs and institutions of the society, the article explored various schools of thought in law as regards the conceptualisation of plea bargaining, theoretical underpinnings of the emergence, adoption and the implication of its use on Nigeria's drive towards ensuring equality before the law. The selective use of plea bargaining in the country is adjudged to be counterproductive and inimical to the country's quest for social justice.

Key Words: Corruption; high profile; law; plea bargaining; social justice

Introduction

Corruption has consistently being the greatest challenge that confronts Nigeria's march towards development. In truth, incidences of corruption in the country's cosmogony no longer generate attractive news that are capable of stirring the ire of the readers of newspapers or viewers of electronic communication media in the country any longer. Nigeria, which is the most populated country in Africa, has maintained a high ranking in corruption by Transparency International and other notable

organisations that monitor corrupt practices around the world (African Peer Review Mechanism, 2015; African Union Commission, 2015; Transparency International, 2015). Consequently, citizens of Nigeria that migrate to foreign countries have to grapple with the negative effects of the country's high corruption rankings, as foreigners have the general perception that all Nigerians have corrupt tendencies (Akanle & Adesina, 2015; Osasona, 2016). This has equally impacted gravely on the level of attractiveness of the country to foreign investors while existing foreign companies rarely expand their business across the country as a result of the stifling effect of corruption (Ijewere, 2015; Aborisade, 2017). Meanwhile, in realisation of the crippling effects of corruption on the country's development, successive governments have made series of attempts to quell the menace, while appreciable resources have been committed to this purpose (Uma & Eboh, 2013; Alliyu, 2015; Aborisade & Aliyyu, 2018). However, in spite of huge efforts and resources committed to fight the scourge, the problem of corruption has continued to grow unabated.

As part of the response of Nigerian government to check the spate of growth of corruption over time, a number of Acts and Laws were promulgated while bodies were specifically established to combat corrupt practices. The agencies are Independent Corrupt Practices and other Related Offences Commission (ICPC) in 2002, and Economic and Financial Crimes Commission (EFCC) in 2003. Though, these bodies have been able to record remarkable achievement over time, their exposition, prosecution, recovery and sentencing rate have failed to catch up with the geometric rise of corruption in the country (Okechukwu & Inya, 2015; Nnado & Ugwu, 2016). In spite of the unravelling of several high profile corruption cases by these bodies, the rate of sentencing of accused persons have deeply fallen short of expectation. This is mainly due to the challenges that the anti-corruption agencies, as prosecuting bodies, have been faced with in proving the culpability of the accused persons beyond reasonable doubts (Abdullahi, 2014). Consequently, high profile corruption cases continue to linger for long in courts with many of them unresolved till date. Indeed, there are quite a number of such high profile cases where Nigerians became disappointed that alleged corrupt person(s) cannot be prosecuted because of an injunction of a court, or are bored because the cases never come to an end (Akor, 2014).

As the challenge of successful prosecution of corrupt cases and sentencing of high profile corrupt persons continue to linger, the Nigerian government and anti-corruption agencies became more desperate to conclude such cases (Nnado & Ugwu, 2016). Therefore, in the year 2005, the EFCC first introduced 'plea bargaining' into the Nigerian legal system in the trial of former Inspector-General of Police, Tafa Balogun and later in the case of Diepreye Alamieyeseigha, the ex-Governor of Bayelsa State (Opara, 2014). Plea bargaining is a "negotiation which takes place between an accused person and the prosecution where the former pleads guilty to some of the offences which he is charged (usually lesser offences), while the latter, in turn, agrees to drop one or more of the other offences with which the accused person is charged; or the accused person may plead guilty to one or more offences in return for the prosecution conceding to a milder penalty" (Devers, 2011, p. 2). Subsequently, the EFCC has continued to deploy plea bargaining system to prosecute high profile corruption cases in the country.

The adoption of plea bargaining in the Nigerian criminal justice system is widely believed to be fashioned after its use in the United States of America (Osasona, 2016). It was introduced in the USA to address the arithmetical increase in crimes and public outcry that followed prolonged court trial (Bar-Gill & Gazal-Ayal, 2006). Upon its introduction in the US, it gained success in eliciting conviction regardless of the guilt or innocence of the suspect. As a result, just as it is used in the USA, plea bargaining is a measure aimed at fast tracking processes in the criminal justice sector in the Nigerian environment (Opara, 2014). Consequent upon its introduction, plea bargaining has been used

by the EFCC to convict and sentence a number of prominent Nigerians who have corruptly enriched themselves as public servants and politicians.

In spite of its seeming success, the use of plea bargaining has been vehemently condemned by some legal practitioners and scholars (Abdullahi, 2014; Mudasiru, 2015), while some others have endorsed and seen it as a welcome development in the Nigerian criminal jurisprudence (Ogundare, 2015; Osasona, 2016). Those that argue against the use of plea bargaining in Nigeria are of the view that it is unknown to the Nigerian jurisprudence especially the federal laws. For example, the former Chief Justice of Nigeria, Dahiru Musdapher, criticised the concept at a public lecture in 2012 describing it as a “novel concept of dubious origin that has no place in our law- substantive and procedural” (Leadership, 2012). It has also being argued to be a tool used to provide soft-landing for influential and elitist law-breakers, while ordinary persons who commit crimes of less economic implications languish in prisons (Mudasiru, 2015; Oguche, 2016).

In the light of the controversies that have trailed the introduction, adoption and use of plea bargaining in the criminal justice administration in Nigeria, particularly in prosecuting high profile corruption cases, this paper presents a review of theoretical positions on the concept of plea bargaining in Nigeria and discusses its implication on Nigeria’s drive in ensuring equal treatment under law for all citizens. Indeed, the literature on plea bargaining is vast; however, it is mainly focused on the role of plea bargaining on criminal justice system, or on exploring models of the plea bargaining interaction, and modelling how individual bargains are made. Left out of this literature is an analysis of the involvement of micro level interactions in the aggregation of plea bargains into a macro level social phenomenon. It is the intention of this paper to fill this gap in addition to refining the interactional level of plea bargaining model as applicable to the Nigerian criminal justice system. The argument of this article is that plea bargaining contributes to the social inequality found in the Nigerian prison population by disproportionately impacting lower social class defendants.

Corruption and Plea Bargaining: A Conceptual and Theoretical Clarification

Though extant research may have taken note of empirical varieties of plea bargaining, they however, focused on explaining why plea bargaining should exist in any forms (Abdullahi, 2014; Akor, 2014; Nnado & Ugwu, 2016). Competing theories addressed to this more globally defined question have been posed at different levels of analysis. Most contemporary studies are utilitarian: they emphasize the self-interest of one or more of the primary participants (Okechukwu & Inya, 2015; Osasona, 2016). Historical arguments appear to tilt towards functionalist and conflict, rather than focusing on adaptation by trial courts to one of a variety of changing environmental constraints. In spite of these level-of-analysis complications, most existing theories are variations on one of the following three themes: plea bargaining as a response to the pressures of a heavy caseload; plea bargaining as a response to the divergence between factual and legal guilt; and plea bargaining as an effort to implement flexible sentencing standards within a constricting statutory framework. Each theme consists of both a functionalist and utilitarian component.

Three Existing Explanatory Themes

In the literature, the first explanatory image is of plea bargaining as a response to the pressures of caseloads. Part of the reasons adduced for the slow pace of judicial system in Nigeria is the volume of felony cases that trial judges are confronted with in relation to the limited resources through the more legitimate but time-consuming route of jury trials. The need to keep the Nigeria justice system from being overwhelmed remains the common interest of the judges, public defenders, and anti-corruption agencies who are prosecutors in corruption cases. According to Alschuler (1976; 1099), the motivational consequences is that “most trial judges look for guilty pleas the way that salesmen look for orders.” To this end, Blumberg (1967) argued that this leads to the routinized treatment of

idiosyncratic defendants, whereas Eisenstein and Jacob (1977) emphasised the informal rules of thumb and understandings which develop in small work groups. Either way, there is need to channel a certain percentage of undismissed cases through guilty pleas rather than through trials if the caseload backlog is to be checked from growing out of control.

In the shared view of all three schools of thought, the two incentives for a defendant to plead guilty are the sentence discount and the reduced uncertainty that a guilty plea can produce. In other words, defendants plead guilty, both because trial outcomes are unpredictable and involve the greater risk of high or even maximum statutory penalties and they expect a more lenient sentence (Alschuler, 1976).

The seemingly lack of empirical correlation between fluctuations in caseload and aggregate guilty plea rates has made this “caseload hypothesis” to come under heavy attack (Bar-Gill & Gazal-Ayal, 2006). Aside from issues of long-run equilibrium, this attack ignores the facts that (a) internal adjustment in strategies (either sentence discount or plea bargaining mode) may be made specifically in order for the sustenance of regular rates of guilty plea and (b) there is the involvement of more than raw volume of inputs. Structural “carrying capacity” is the other constraining half of the argument.

The second theme in the explanation of plea bargaining emphasizes the divergence that exist between legal and factual guilt. Prosecutors as well as defence attorneys, after some experience in the system, appear to believe that the vast bulk of crime defendants are in fact guilty of something, or else they would not be where they are (Heumann, 1978). In Nigeria, political office holders are commonly perceived to be prone to corrupt practices, hence when arrest of one is made, it is widely believed that he or she is culpable (Alliyu, 2015; Aborisade, 2017). Except perhaps for cases of high public saliency, it is argued that, most criminal charges with substantial doubt about factual guilt are dismissed (Bar-Gill & Gazal-Ayal, 2006). In this context, the issue for the prosecutor is not substantive guilt, the issue is how to steer the case through to legal guilt, which for the crime, allows for some forms of punishment.

Based on the foregoing, there is some forms of motivation for prosecutors during plea bargaining by their desire to gain greater control over dispositions than the vagaries and uncertainties of jury trials permit (Akor, 2014). The adoption of plea bargaining by the EFCC was reported to have being informed by the growing number of pending trials, especially cases pending due to inadequate evidence to prove culpability beyond reasonable doubt (Abdullahi, 2014; Oguche, 2016). The political urge for the maintenance of high conviction rates is not consistent with the normative desire for the imposition of outcomes that are “just.” If plea bargaining facilitates reduced sentences, at least that is preferable to the risk of no sentence at all.

The main variable upon which the structures of plea bargaining microdynamics are based in this theme is “strength of state’s case” (Turner, 2013, p.40). The concessions that prosecutors are willing to entertain for a guilty plea are heavily dependent on their estimate of probability at conviction at trial. As Devers (2011, p.12) posited, “the universal rule is that the sentence differential between guilty plea and trial defendants increases in direct proportion to the likelihood of acquittal.” This argument which is prosecutorial self-interest can be embedded in environmental context by noting that the aggregate flow of case strengths that confront participants is affected, in turn, by a number of factors. Admissible facts and evidence ultimately accounts for the strength of state’s case. As a result, the average strength of a case that gets to the level of plea bargaining is a product of earlier organisational filters- the investigation practices and arrest of police and the dismissal policies of the prosecutor. As the arrests reduces, investigations becomes more thorough, and as the dismissal become more wholesale, the stronger on average will be the evidence that underlies the dynamics of plea bargaining. A Federal High Court in Lagos recently unfroze the domiciliary account of Patience Jonathan (wife of former President) containing \$5,842,316.66 at Skye bank Plc due to the inability of

EFCC to produce daunting evidence that will prove that the money in her account is proceed of crime(Vanguard, 2017). This is one of the many failures of the EFCC to close corruption cases filed against political figures and high ranking public servants who have enriched themselves with public funds.

A third theme discernible in the literature on plea bargaining is that it is an effort to substitute the standards of flexible sentencing, which remains sensitive to the idiosyncratic background of the criminal or crime, for the rigid and often harsh provisions of the statutory code. As Feeley (1979, p.197) stated that “although the relationship between prosecutors and defence is somewhat adversarial, they are actually engaging in a decision process to reach a consensus about the ‘worth of the case.’ ...much of what passes for plea bargaining is really negotiation over the meaning of facts.” Guilt rather than equitable disposition is the focus of this argument, and formal justice rather than substantive is the basis for evaluating “seriousness of offense” and “worth of case.”

This third theme points to the roles of the norms of sentencing. Even on the attainment of legal guilt, the implication of the sentence is that the criminal code may be inconsistent with context-specific conceptions of “equity” by the participants. This is especially so considering the lopsidedness in the offenders that law enforcement agencies in Nigeria offers the option of plea bargaining in the prosecution of their cases. The determinants of “equity” are as variable as the concept of “mitigating circumstances” and as a result not possible to standardise. However, in this view, plea bargaining serves two different functions: first, it offers an informal forum, unhindered by evidentiary constraints, for the development of normative consensus about “proper” disposition by participants; and, second, it is a vehicle for individualising sentence, either directly through sentence offers or indirectly through the manipulation of charges.

The macro side of this theme highlights the systematic tensions that may exist between the internalised sentencing standards of trial court participants and the exogenous standards implicit in statutory codes and regulations. Emphases have been made by historians that the emergence of plea bargaining in the 19th century was connected with the rise of urban political machines (Haller, 1970). “Criminal courts comprised a district subculture at the turn of the century and after... the criminal bar was composed of lawyers who had attended less prestigious law schools, who usually did not join the bar associations, and who typically were members of ethnic minorities” (Alschuler 1979, p. 229). Prosecutors and particularistic trial judges, who may be generated by a machine culture, are more concerned with the criminal than with the crime and as a result tend to generate more lenient sentences. Levin(1971) stated that the relative judicial orientation to the ciminal rather than to the cime is itself a cultural variable.

Conflict’s Perspectives

It was pointed out by William Chambliss (1976) that the people we tend to refer to as being “deviant” are those that we dismiss as “crazy” and “sluts” who are more of *powerless* than bad or harmful to the society. Similarly, conflict criminologists hold that the ‘functioning’ of the society is channelled towards the serving of the general interest of the ruling class instead of that of the society as a whole and while this is supposed to lead to conflict, the ruling class makes use of the power within its reach to neutralise the intention of the masses to revolt (Johnson 1978; Maguire, Morgan and Reiner 2012). In Nigeria, there are avalanche of reports of oppressive practices of the wealthy over the poor which is considered to be very prevalent. According to Osasona (2016), the poor can hardly get justice in the country when their rights are trampled upon by the affluent. Meanwhile, there have been several cases of unequal justice being administered to the rich and the poor (Daudu, 2009; Ogunode, 2015), with daunting evidences pointing out to differential categorisation of justice to the rich and the poor (Esiemokha 2010; Obioha 2011; Okeshola 2013; Ogunode 2015).Without doubt, the postulations of

conflict criminologists have deep roots in the administration of justice in Nigeria. There is often a big gulf between high profile and low profile cases in the country which largely defines the path of the justice administered. Hence, there is a general social belief that the law that governs that affluent is significantly different from the law of the poor (Ogundare, 2015).

The criminal justice systems are themselves profit maximising machines. According to Maguire, Morgan and Reiner (2012), the manner of their profit-making is the processing and punishment of the poor. This, according to Mudasiru (2015), is evident in the special provisions made by the EFCC for wealthy and influential financial crime offenders in the use of plea bargaining which is considered a measure that is more focused in recovering the loot than punishing the offender. Conflict criminologists posited that such provisions and ‘legal escape’ makes policing and criminal justice to be used for the arresting of soft crime (in the neighbourhoods of the poor) that aims for the poor while the wealthy and powerful are ignored (Maguire, et al., 2012). Therefore, inadvertently, the provisions of the EFCC have created a remarkable gulf between the treatment of the affluent offenders and the poor and low class offenders in the country.

Social-conflict theory explains this pattern in three ways. First, all the norms, especially the laws of any society, generally reflect the interests of the rich and powerful. Second, in the case where the behaviour of the powerful is called into question, they have the resources to resist deviant labels. The treatment of the cases of corruption against high profile politicians in Nigeria provides credence to the postulation of the social-conflict theorists. For example, in an attempt to downplay the level of corruption in the country and excuse himself and other political appointees from the allegations that he is not doing enough to curb corruption among his ministers, former president of Nigeria, Goodluck Jonathan at a media chat on 5th May, 2014, pronounced that most of what is referred to as corruption is no more than ‘common stealing’ (Aborisade & Thomas, 2016). The explanation of the former President was widely perceived as an attempt to separate high profile corruption cases from low profile ones (Mudasiru, 2015).

Third, the popular beliefs that norms and laws are “just” and “good” mask their political character. As a result of this, although we may condemn the unequal applications of the law, most of us give little thought to whether the laws themselves are really fair or not. The deployment of plea bargaining was at first widely perceived to be a cost- and time-saving step in the right direction of criminal justice in the country (Abdullahi, 2014; Okechukwu & Inya, 2015), however, it has come to be described as counterproductive to criminal justice in the country (Akor, 2014; Mudasiru, 2015).

Plea Bargain and Nigeria’s Anti-Corruption Campaign

There have been a series of measures aimed at checking the growth of corruption in contemporary Nigeria, especially during the presidency of Olusegun Obasanjo (1999-2007). The government resolved to set up a special commission to handle investigation and prosecution of economic crimes instead of using the regular law enforcement agents. It was during this era that two anti-graft agencies (ICPC and EFCC) were established. Since their establishment, they have seen to the prosecution of various financial misconducts perpetrated at public and private institutions in Nigeria. However, since the establishment of the anti-graft agencies and in spite of the enormous powers that they are endowed with, opinions remain divided as to whether they have delivered on their mandates of effectively taming the monster of corruption. Some critics are of the belief that the EFCC in particular has not done enough to turn the tide against corruption in Nigeria (Akanle & Adesina, 2015; Dada, et al., 2015; Nnado & Ugwu, 2016). For instance, Oguche (2016) alleged that only those that have problems with successive presidents are prosecuted while loyal breeds are shielded from the full weight of the law. It is also contended that the application of plea bargain constitutes a strong impediment to the anti-corruption campaign in Nigeria (Leadership, 2012; Okechukwu & Inya, 2015).

Although it has been established that plea bargain has been in existence in Nigeria prior to its deployment by the EFCC in the case against Tafa Balogun (Ogunode, 2015), it however became a subject of public interest when the anti-graft agency adopted it in handling some of its high profile corruption cases. Section 14(2) of the EFCC Act, states inter alia: “The Commission may compound any offence punishable under this Act by accepting such sums of money as it thinks fit, not exceeding the amount of the maximum fine to which that person would have been liable if he had been convicted of that offence.” This section of the Commission’s Act tacitly empowers the EFCC to entertain plea bargain from an offender who agrees to give up money stolen by him for a higher sentence.

Though plea bargain is generally considered to be expedient, cost saving measure (Abdullahi, 2014; Akor, 2014), it is however remarked to be subject to abuse in Nigeria (Angwe, 2012; Leadership, 2012; Mudasiru, 2015). This is particularly so when the prosecutor is selected by a political appointee, who may not have the political will to act decisively and clearly. A corollary to this is the attractiveness that corrupts enrichment of such prosecutors might present to a defendant with means and ability to influence the plea agreement. The use of plea bargaining has reduced focus on punishment for corrupt practices and placed more emphases on the recovery of part of the looted funds by the EFCC (Opara, 2014; Okechukwu & Inya, 2015; Nnado & Ugwu, 2016).

As posited by Transparency International, the trial of former Governors and political stalwarts who were alleged to have corruptly enriched themselves with public funds has consistently been taken with levity (Alliyu, 2015; Transparency International, 2015). A special ‘rule of law’ has been contrived in their favour which is capable of making them escape justice. This is as a result of the seemingly light punishment being meted out to those that engaged in monumental misappropriation of public funds that led to the underdevelopment of the country. This crop of people, by virtue of light sentence and luxury life in prison, continued to live in affluence while the masses are relegated to suffer the agony of poverty. According to Dadaet *al.*(2015), plea bargaining engenders unfairness, inequity and travesty of justice. It is not fair to the poor and the less privileged of the society, as they will never be able to benefit from such negotiation for the mitigation of punishment if they are confronted with such legal action. Therefore, there is a consensus among literature appraising the use of plea bargaining within the Nigerian criminal administration that it is a “largesse” that is only designed to benefit members of the upper class of the Nigerian society (Abdullahi, 2014; Akor, 2014; Oguiche, 2016).

Plea Bargaining in High and Low Profile Corruption Cases in Nigeria: A Comparison

There have been widespread concerns over how plea bargain has been deployed in resolving high profile corruption cases in Nigeria. The concern has largely being on the moral rights of the double standards that appears to trail the use of plea bargain by the EFCC for corruption cases that involves societal elites. This is against the backdrop of the perennial problem of social inequality and class issue that has largely dictated the treatment of offenders by the Nigerian criminal justice from time immemorial. Though successive governments have tried and made significant progress over the last decades toward the objective of ensuring equal treatment under law for all citizens. However, in one critical arena-criminal justice- the effect of social inequality has continued to grow rather than recede. Criminal laws of the country, while facially neutral, are enforced in a manner that is massively and pervasively biased (Opara, 2014; Dada, et al., 2015; Osasona, 2016).

The use of plea bargaining for high profile corruption cases in the country is therefore perceived as another setback for the country’s quest towards ensuring equality in the treatment of all citizens under the law. Disparate treatment of people of the lower class begins at the very first stage of the criminal justice system: the investigation of the suspected criminal activity by law enforcement officials

(Okeshola, 2013). The manifestation of a criminal justice system that *de facto* distributes separate, unequal standards of justice for lower class citizens and citizens of high economic class has created a mushrooming prison population that is overwhelmingly poor and socially disadvantaged.

On the comparison between the usage of plea bargaining for high profile as against its non-usage in low profile cases, The Tide (2013) reported the trial of Ruth Aweto, the Provost of the Federal Cooperative College, Ibadan, and the school Bursar, Adekanye Komolafe who were both sentenced to four years imprisonment by an Oyo State High Court for mismanaging the funds of the institution. The ICPC that filed the suit did not offer them plea bargain while Justice Moshood Abass did not give them an option of fine. On the crime, the convicts were reported to have inflated the budget of the institution between October 2005 and January 2006 to N7 million, instead of N3.7 million required to pay worker's salaries. Aside from the non-application of plea bargain in the case, the judge sentenced each of the two accused persons to four years imprisonment, instead of the five year maximum sentence stipulated by law for first time offenders.

On the other hand, related high profile cases of corrupt practices are treated differently as a result of the application of plea bargain. Dieprieve Alamiesiegha was the Governor of one of the oil-rich but deeply impoverished states in Nigeria-Bayelsa from 1999 to 2005. He was arrested and charged for money laundering by the London Metropolitan Police in September 2005 when the sum of £1 million cash was found in his home (The New York Times, 2015). He however jumped bail and made it to Nigeria disguised as a woman. Since he was the sitting governor of his state at that time, he enjoyed immunity that made his prosecution impossible (The Nation Online, 2013). He was eventually impeached three months later by his state legislature and subsequently charged for embezzling \$55 million of public funds by the EFCC. After negotiation with the EFCC, his charges of 48 were reduced to six and he was sentenced to two years imprisonment while he refunded some amount of money into the coffers of the government.

Lucky Igbinedion, a former Governor of Edo State was charged by EFCC prosecutors in January 2008 with embezzling public fund to the tune of \$25 million (Sahara Reporters, 2013). He ultimately pleaded guilty in December 2008 to failure to declare his assets and was subsequently convicted for money laundering. However, in the judgement pronounced by the Court, Justice Abdullahi Kafarati handed down a light sentence that included no jail term. Igbinedion was asked to pay equivalent of a \$25,000 fine, as he agreed to forfeit some of his property and he became a free man. Though Igbinedion walked away free from being imprisoned from the court ruling, he was however barred by the United States Government on January 12, 2013 from entering its territory thenceforth (Sahara Reporters, 2013).

Yakubu Yusuf, one of the seven accused persons in the appropriation of fund of the Police Pension Scheme that totalled N32.8 billion was convicted by the Federal High Court, Abuja under the headship of Abubakar Talba to two years imprisonment or pay a fine of N750,000.00 (PM News, 2013). Meanwhile, under the same judicial system, one Idowu Olayinka was sentenced to 2 years in prison for stealing vegetables (The Nation Online, 2013). In 2001, a man Danyeola Alfred was jailed for two months for absconding with a Nokia handset valued at N48,000, while an Oshodi Magistrate Court presided over by Mr. Akeem Fashola in Lagos State slammed a N500,000 bail each on two employees alleged to have made away with 30 litres of diesel valued at N4,800 (Ogundare, 2015). There was also a case of two persons, Babatunde Ogunjobi and Oluwatoyin Yusuf who were accused of stealing the mobile phone of Governor Aregbesola of Osun State, and for defrauding other persons, including a monarch, Oba Gabriel Adekunle Aromolaran (Vanguard, 2014). The two of them were sentenced to 27 years in prison each by Justice Oyejide Falola.

Conclusion

Corruption, without any gainsaying, is a globally condemnable phenomenon that attracts punishments for its perpetrators. Observers and social analysts have argued that corruption has permeated all segments of Nigeria, whether political or not. However, the ability of plea bargaining to serve the interest of all in Nigeria has remained a subject of controversy. The argument of this paper is that the system of plea bargain as practiced in the US is not an appropriate model for adoption in the Nigeria Criminal Justice System. As presently constituted and deployed, plea bargain in Nigeria is widely perceived to lead to injustice, fostering social inequality and an embodiment of corruption in itself. In fact, to those who have been exposed to the term plea bargain, the concept is dramatically opposed to the concept of justice, although not literarily, but rather in terms of the actualisation of the ideology.

The use of plea bargaining is also a reflection of the investigative inadequacies of security agents in Nigeria as the process of investigation and gathering of evidences is often fraught with lack of capacity, improper documentation, political interferences, inadequate funding, sabotage and corrupt practices of agents among others. Therefore, there is need for Nigerian government to build the capacity of the various anti-graft agencies to reduce their level of failures in closing corruption cases against public officials and political office holders in the country. It is also recommended that criminal justice administration database should be made while Fast Track Courts should be established for the utilisation of special rules of procedure in justice delivery system in the country.

The National Assembly, as the highest law making organ of the country, should also use its power to ensure that the government procure all needful resources for the anti-corruption agencies to be able to function appropriately in its investigative responsibility. As a matter of urgency, the Assembly should exercise its prerogative to ensure that anti-graft agencies in the country are properly funded and made effectively independent from the direct control of the executive arm of the government. The nation's lawmakers should equally use their position to check the level of political interference from the executive who is often in the practice of clandestinely scuttling police/EFCC investigations especially of political corruption.

The subversion of the instrument of justice by the rich and connected individuals in Nigeria at the expense of people of the lower class has continued to grow the population of poor people in poorly funded Nigerian prisons mostly for corrupt practices and theft that are far lower in gravity than those committed by the lowly placed in the society. This trend must be urgently addressed and necessary measures taken to allow for equity and fairness in the dispensing of justice in the country. The Nigerian judiciary, as best practices prescribe, should stand out as the conscience of the society and the hope of the common man.

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