



GUILTY

DEDICATED TO EVERY ASPIRING WRITER

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Bamidele Ayodeji went through his case file again as he awaited the arrival of the trial Judge. This should be a pretty easy case for him. Everything was in place to get the conviction he wanted - the conviction he needed. The conviction he badly needed. It was a murder case. The victim was identified. She was poisoned by a bitter admirer who could not handle her rejection of his advances. This bitter admirer – the accused - was apprehended after dogged investigation by men of the Police Force. The proof of evidence before the court, established that the accused committed the murder. The accused also confessed to the crime and his confessional statement formed part of the proof of evidence before the court. As far as Bamidele Ayodeji was concerned, this was a done deal.

How the proceedings of the day were going to be conducted played out in his head.

Court Registrar reads the charge to the accused. He pleads guilty. Bamidele calls in his witnesses and tenders the incontrovertible exhibits. The accused counsel who is assigned to him from the Legal Aid Council cannot impugn any of the exhibits. The court will admit the exhibits including the confessional statement of the accused. The court will proceed to find the accused guilty of murder – he admitted committing the crime anyway - and then, sentence him.

“Ah,” Bamidele Ayodeji heaved a deep sigh of relief. He could not believe he would be getting his first conviction after five years as a Public Prosecutor at the Ministry of Justice. The infuriating words of Mr. Alex Oguntoyibo, his director at the Ministry, whizzed into his head.

“You are a good for nothing scumbag!” Mr Oguntoyibo had screamed at him the other day. “I don’t know how you got in here. Five years at this Ministry of Justice and you haven’t got a conviction? Of what use are you to us? Who employed you?! Who do you know?”

Mr. Oguntoyibo’s recent tirade at Bamidele was one of several of such heated words. He was always angry at Bamidele at the slightest provocation. Bamidele knew the reason for Mr. Oguntoyibo’s bad blood with him, and it had nothing to do with Bamidele’s work ethics or lack of achievements. When new recruits at the Ministry were hired, Bamidele Ayodeji was chosen by the Board of Directors at the Ministry over Mr. Oguntoyibo’s preferred candidate.

“Court!” The yell of the Registrar announcing the entrance of the Judge jolted Bamidele Ayodeji out of his reverie.

Show time.

April 23, 2016

Hi.

[sent Today at 12:01pm]

Hello beautiful.

[sent Today at 12:05pm]

Hello dear.

[sent Today at 12:15pm]

Baby.

[sent Today at 12:17pm]

Talk to me love.

[sent Today at 12:30pm]

You're just a fucking snob!!!!!!

[sent Today at 12:31pm]

Sorry about my earlier DM, my Oyibo pepper.

[sent Today at 12:35pm]

Sweetheart, it's just that I love you and would like to date you.

[sent Today at 12:41pm]

Err. Okay.

[received Today at 12:42pm]

Err Okay? Just Err Ok? U're just a fucking snob, aren't you?

[sent Today at 1:00pm]

Eze Chinagorom slammed his phone on the table as he cursed under his breath. He had been trying to get the attention of a lady he recently met on Twitter to no avail. He had not been keeping count, but this could easily be the one hundredth Direct Message he would be sending her since he started following her on Twitter and all she could say in response was “Err. Okay”.

Err Okay? Who did she think she was to treat him with such disdain? Kim Kardashian? He had over eleven thousand followers on Twitter who all worshiped him and looked to him as a mentor of some sort. He was a Twitter Celebrity and every girl whom he had DMed

had responded affectionately to him. Who wouldn't want to be associated with "EzeDollar" as he was fondly referred to on Twitter? The popular "EzeDollar!"

His phone buzzed and he picked the call.

"Eze Dollar, where you dey?" the voice from the other end of the line enquired. It was his roommate from Unilag, Kazeem. They were to meet at a wedding event at Onike, Yaba.

"I dey the place already na."

"The wedding venue? As in you don reach the event centre for Onike already?"

"Yes na."

"I no believe you. The wedding don start?"

"Something wey we dey reception already. Wedding wey don almost finish."

"Yepa! So how many chics you don block since you dey there?"

"Omo, I never see any Ogbanje yet o..."

"What of that Twitter babe wey you been talk say you go control? That one wey you say you go carry go the wedding as your date?"

"That Nkem babe?"

"Ehen, yes! That one."

"My guy, forget that babe. She be winsh. She no dey reply my DM sef. She just send one yeye reply like that now now."

"Wetin she talk?"

"Omo, if I catch that babe ehn, I go just kill am walahi!"

Eze could hear Kazeem laugh at the other end of the line.

"Wetin she talk?" Kazeem asked again.

Before Eze could tell his friend what an ill-luck Nkem was, a young lady walked past his table. He caught a whiff of her perfume and turned towards her. She looked like Nkem, the Nkem he was recently messaging on Twitter. The Nkem he was just talking about.

“My guy, hold that talk for a second. I dey come,” he said to Kazeem.

With that, Eze dropped the call. He kept gazing at the lady as she took her seat a few tables from his. She was alone. Eze dusted invisible spots off his shirt, poured a drink in the red cup on his table, took the cup in one hand and stood up, walking towards the lady’s table. When he got there, he asked, “Hi. I could swear you look like someone I know – Well, someone I know on Twitter. Would you by any chance be NK on Twitter? Do you have the name “Nkem” as your bio?”

The young lady took a good look at him. She could not place his face.

“And you would be?” she asked, needing some clarifications.

“Oh sorry about my manners. I am Eze – Eze Dollars on Twitter.”

“Oh, it’s you!” the lady said in a pleasantly surprised tone. “Yes I am NK - Nkem. I must apologise for not responding to your DMs on time... I have been really busy, especially this morning. I had to prepare for this event. The bride is my friend...”

“Oh, wow,” was all Eze could mutter. There was something different about the Nkem he was speaking to. She sounded different from the Nkem he was trying to have a conversation with on Twitter. She was warm and receptive, unlike the online Nkem who responded coldly to him.

“I must also apologise for my strong words on Twitter,” Eze said.

“Nah, it’s okay,” Nkem said with a wave of hand. “I get that all the time but I don’t take them personal. It’s just Twitter.”

“No, really, I mean it. I am sorry...”

“It’s okay E...”

“Eze. My name is Eze.”

“Yes, it’s okay Eze. Really.”

“To make up for my Twitter acts, I offer you this drink,” Eze said as he pointed his cup of drink to her.

Nkem smiled. “You know I can’t take that. I barely know you. But thanks.”

“You think I’m going to poison you?” Eze said with a charming smile on his face.

“Oh no no,” Nkem said. “It just feels weird. We’ve just met...”

“And I’m trying to apologise for my attitude...Please..” Eze took a sip from the drink as if to prove to Nkem it was not spiked.

“You’re charming in person. Alright, bring it.”

She collected the red cup and gulped its content.

“Call the first case,” Justice Okokon said to the Registrar of court as he took his seat. Bamidele Ayodeji was expecting to hear his case being called. It was a criminal matter and as was the procedure in Justice Okokon’s court, criminal cases were heard first. To Bamidele’s surprise, a civil suit was called by the Registrar.

“Must be an oversight,” he muttered to himself as he sat back and listened to the civil proceedings. It was a matrimonial cause action. A wife wanted a divorce from her husband barely two weeks after their wedding. Her reason for wanting a divorce was because the man broke their pre-nuptial agreement. She was a sex worker before they got married. The man was one of her customers. He had talked her out of continuing in the business of sex hawking and promised her a better life if she agreed to marry her. He said he had never met a woman who satisfied him sexually the way she did and he would

like to have her all to himself for the rest of his life. In return, he promised to get her a choice property at Banana Island within a week of their marriage – if she chose to marry him. She requested that these terms be incorporated into an agreement if he was serious about marrying her. He agreed. After one week of the marriage and he did not get her the choice property as promised, she became apprehensive. After two weeks of marriage and no-show from the man, she wanted out.

Bamidele returned to his case file. He expected his case to be called next. As he went through his papers, he saw the confessional statement of the accused. It read,

“I Eze Chinagorom, male, 25, student at Unilag and Nigerian National hereby make this confessional statement. I know the deceased. We crossed paths on Twitter. She rebuffed my advances and so I poisoned her with rat poison when we met at a wedding event on Saturday April 23, 2016. I am sorry. It was the devil.”

Bamidele then turned to some print outs of Twitter conversations between the accused and the deceased. They showed the deceased did not accede to the accused advances. The accused must have been bitter after this, Bamidele concluded. He had a motive for killing her.

Bamidele heaved a sigh. Then he turned to the phone conversation transcripts between the accused and his friend on April 23, 2016. The statement that piqued his interest was this: *“Omo, if I catch that babe ehn, I go just kill am walahi!”* This statement was made just before the accused met the deceased in person. Bamidele shook his head. The accused kept to his threat. He killed her.

The Registrar called the next case. It was Bamidele’s much awaited case.

Tosin Adeyanju stepped out of the keke napep just in front of the court. He was running late to court this morning. He was not supposed to be in court today as today was one of his rare days off, but he got a call from Tayo, his colleague from the Legal Aid Council and counsel personally handling the matter. Tayo had developed the flu this morning and had called Tosin to stand in for him.

“I can’t just appear in a matter I am not fully abreast of,” Tosin had said to Tayo over the phone. “I need to study the file and have a pre-trial meeting with the accused. I need to know who and what I am defending.”

“You don’t have to worry about anything, Tos,” Tayo assured from the other end of the line. “You don’t have to do anything today. It is a murder case. Once the accused takes his plea, all you have to do is watch proceedings.”

“I’m missing something here...”

“Tosin, this isn’t one of the cases you want to fully get involved in. The accused does not need your legal expertise.”

“I ...don’t...understand.”

“See, the accused is one Eze Chinagorom. A douchebag of a guy. He was making advances at the victim. She did not want him. So he poisoned her. It’s a bad case, Tos. He is guilty. He said so himself.”

“He told you so?”

“Well, no...”

“Have you had a pre-trial meeting with him before?”

“Umm...No. But he confessed to the crime...It’s in his confessional statement..I saw it in the proof of evidence sent to the Legal Aid Council...All the documents are on my desk in the case file.”

“But have you had a pre-trial meeting with him? He is supposed to be your client.”

“He is the Government’s client. We are a government parastatal and we render *pro bono* services to all these criminals who can’t afford lawyers of their own...Look, Tosin, I know you love doing your job very well, but trust me, this particular case is a done deal. He is guilty and he will be convicted. Today.”

“How do you know that?”

There was a lull in the conversation.

“Talk to me Tayo,” Tosin pleaded.

“I had a meeting with the State Prosecutor over the weekend...”

“You met with the Prosecutor? Tayo, you met with the Prosecutor? And?”

“Please don’t take this the wrong way...He furnished consideration for me not to challenge any document he will tender today...”

“What do you mean by *he furnished consideration*? You were given a bribe?”

“Oh no no. It is not a bribe. Well, I was given a token to cooperate. You know I need the money for my sister’s surgery. The State Prosecutor, one Bamidele guy like that, showed me everything. The Eze guy is guilty. He killed the girl. Bamidele does not want a long and unnecessarily protracted trial when all the facts and exhibits before the court prove the accused committed the crime. He just wants to be done with this case...”

“Is that all? Just that?”

“I shouldn’t be telling you this but...but...Bamidele knows the Judge. I think they’ve spoken about the case and the Judge is in as well. He will convict the accused, no matter

what the Defence counsel does. No matter what you do. I'm sure Bamidele already told the Judge we are in too. We won't be opposing any document..."

Tosin could not believe his ears. He could not believe what his colleague was asking him to do.

"Hey Tos," Tayo called. "We are not the bad guys here. The accused is. He killed an innocent girl. He should face the wrath of the law for that. We should aid the course of justice."

Tosin dropped the call. He had heard enough. He would go for the case and he knew just what to do. Or so he thought.

Tosin walked in just when the matter was called by the Registrar. He heard the State Prosecutor, Bamidele Ayodeji, announce his appearance. Tosin Adeyanju quickly hurried to an empty seat in the front row.

"May it please this Honourable Court," he said as he stood by the empty seat. "My name is Tosin Adeyanju. I announce my appearance for the accused."

Bamidele Ayodeji took a quick glance at Tosin. The face and name were unfamiliar. This was not Tayo. This was not the Legal Aid counsel he had met over the weekend. Tosin caught him taking a glance at him.

"Yes, State counsel," Justice Okokon called on Bamidele. "What is the matter slated for?"

Bamidele stood up again. "My Lord, the matter is slated for arraignment." He took another look at Tosin. "The accused is in court." Bamidele looked to the back of the court room. The accused, Eze Chinagorom was brought into the court by men of the Police Force. "If it pleases My Lord, we are ready to proceed."

As Bamidele took his seat, he took another look at Tosin. He gave Tosin the eye as if to say, “are we good?” Tosin refused looking at him. Instead, he rose and made an application to the court.

“My Lord,” he said. “I have just been briefed to defend the accused, but I have not had a meeting with him. If it pleases My Lord, may I humbly ask for a fairly short adjournment, to enable me be properly briefed by my client...”

Bamidele was surprised at Tosin’s application. *Who was this guy?* he thought.

Bamidele knew he would not be conceding to any adjournment. He could not concede to any adjournment. He had to commence trial today.

“My Lord,” Bamidele said as he stood. “I will be objecting to counsel’s application for an adjournment...”

“Yes, objection sustained,” Justice Okokon said even before Bamidele could complete his statement. “Mr. Adeyanju, this is a trial court. I take my cases seriously. I will not condone any unserious counsel in my court. You said you were briefed to handle this matter. Why didn’t you come prepared if you were briefed? Who briefed you if not the accused? What useful purpose will an adjournment serve?”

“My Lord, the case file was only assigned to me this morning at the Legal Aid Council...”

Tosin stuttered.

“You said you were briefed in your earlier statement,” Justice Okokon said. “You didn’t mention anything about the Legal Aid Council. Why are you approbating and reprobating, counsel?”

At this juncture, Tosin knew he was not going to get any favours from this Judge. The Judge had made himself clear. He would hear the matter today.

“My Lord, I apologise if I didn’t use the right words earlier...In the circumstance, may I ask for a short stand down so that I may confer with my client?”

Justice Okokon fumed at Tosin’s request. But he decided to grant it. It was the least he could do.

“Case stood down,” he said. “For ten minutes. Registrar call the next case.”

Immediately the Judge stood the matter down, Tosin rushed out of the courtroom to meet with Eze Chinagorom who was in the custody of a Policeman. On meeting Eze, he asked for some privacy from the Policeman. He was obliged.

Tosin stared at Eze, performing a ritual he had always done whenever faced with cases such as this. He looked into Eze’s eyes and said, “We haven’t met before but I need you to tell me the truth. Did you kill her?”

Eze flinched. He looked at the ground.

“Look me in the eyes, Eze. Did you kill her?”

Silence.

“You need to help me here. I cannot do this if you don’t cooperate with me...”

“It doesn’t matter what I did or did not do,” Eze said, almost curtly. “I already made a deal with the Police....”

“What are you talking about? What deal?”

“They said if I wrote a confessional statement, they would offer me a plea bargain and I would be out of the cell in three months...”

“What?!” Tosin almost yelled. “Who gave you such deal?”

“The Police lawyer.”

“The one in court?”

Eze nodded.

Oh my God, Tosin muttered to himself in disbelief. “You don’t know what you’ve got yourself into,” he said. Tosin knew Eze could never get such a plea bargain. It was not only difficult; it was impossible. This was a murder case and the statutory punishment was death. No more, no less. Eze was billed for the hangman’s noose. “But did you kill her?”

“No. I only offered her my drink. Next thing she collapsed and there was pandemonium in the place. I did not know what to do. She died before the paramedics could arrive.”

Eze paused. “The Police were invited. The autopsy report from the paramedics said she died from poisoning. I don’t believe them. I drank out of the drink before giving it to her.”

“You did what?”

“I drank out of it.”

“So you did not poison it?”

“No.” Eze looked at Tosin with surprised eyes. “Where would I get the poison from? I went for a wedding. I was waiting for my friend when I saw her walk into the event centre. I took my drink over to her table. I drank from it before offering her...”

At this point, the Police man who had earlier been with Eze informed them that, the matter was being recalled in court. Just before they walked back into court, Tosin told Eze, “Whatever you do, don’t plead guilty.” Eze gave him a confused look as if to say he was going to plead guilty. It was part of the plea bargain. He had to plead guilty to get the deal. But Tosin repeated, “Do not plead guilty. Please.”

After the matter was recalled, Eze was put in the dock. He kept taking quick glances at Bamidele and Tosin. He did not know what to do. He was deep in thoughts that he did not hear the Registrar read the charge to him. The only thing he heard was “Do you plead guilty or not guilty?” Eze did not respond. He kept taking glances at Bamidele and Tosin. Bamidele gave him a wry smile, nodding his head, urging Eze to plead guilty. Tosin on his part kept shaking his head.

“Do you plead guilty or not guilty?” the Registrar repeated.

Eze took a deep breath. He shut his eyes and without meaning to, he heard himself say, “Not guilty.”

Justice Okokon shifted in his seat. Bamidele’s wry smile disappeared. Tosin heaved a deep sigh of relief.

“Do you understand your plea?” the Judge asked, surprised. “Registrar, repeat the question.”

“Do you, Eze Chinagorom, plead guilty or not guilty to the charge?”

“Not guilty.”

At this point, Tosin stood up and said, “My Lord, the accused has taken his plea. May I ask for a date for trial?” Tosin was hoping for the matter to be adjourned. He would use the opportunity to properly prepare Eze’s defence. He had to investigate how the victim was killed if, as Eze claimed, he did not poison her drink. He needed to know why the Prosecution was bent on getting a conviction. He needed to know why his colleague, Tayo, did not bother doing a thorough job in preparing Eze’s defence, and most importantly, why Tayo connived with the State counsel, Bamidele Ayodeji to get a conviction. He needed to know Justice Okokon’s stake in this trial. Something was amiss somewhere and he had to find out what, where and why.

Justice Okokon shot an uncomfortable look at Tosin.

“I thought I already told you counsel. No adjournment in my court. We proceed to trial now. State counsel, call your witnesses. How many do you have?”

“Just two, My Lord,” Bamidele responded.

“Call your first witness.”

As the first witness took to the witness stand, Tosin sank into his seat. His “well thought out plan” had just been crushed. This was the best plan he had when he decided to take up the matter. He knew his best shot at doing a good job in the case would be to have the case adjourned today. This was the only thing he had in mind when he accepted to stand in for Tayo. Now, that plan had gone with the wind. He had to come up with a Plan B. He had to destroy the Prosecution’s case. But he had no idea how. He was not prepared for trial today.

The first witness was the Investigating Police Officer who had investigated the case. His name - Mike Asuquo. He knew the case like the back of his hands. Bamidele took him through questions like the name and identity of the deceased, the name and identity of the accused, when the accused was arrested, the role the accused played in the death of the deceased, the role of the Police and then, more importantly, the exhibits obtained during investigation. The first exhibit to be tendered was the Twitter conversation print out of the accused and the deceased and the communication transcript between Eze and his friend, Kazeem.

“Do you recall retrieving the twitter conversation between the accused and the deceased?” Bamidele asked. “And also, a communication transcript between the accused and one, Kazeem Odutola??”

“Yes,” Mike answered. “I can identify the documents containing the conversation if shown to me.”

Bamidele gave two pieces of paper to the Registrar and sought to tender same in evidence. The Registrar passed the documents on to Tosin. Tosin knew the documents were highly incriminating and would damage the accused defence if accepted in evidence by the Court. He studied the pieces of paper. He could not find anything to pick on them. They were as clear as clear could be. They proved two things: Eze was bitter towards the deceased and he promised to kill her if he had the opportunity.

As Tosin was about making his “no objection” statement, an idea whizzed into his head. The documents sought to be tendered were computer generated. Section 84 of the Evidence Act required a Certificate stating the genuineness of the contents of computer generated evidence before they could be admissible in law. The Prosecution did not produce such Certificate.

“I’ll be objecting to the documents My Lord,” Tosin said, standing to his feet. “The documents fall short of the statutory and mandatory requirements for admissibility as stipulated under Section 84 of the Evidence Act.”

Bamidele was taken aback. He was not prepared for this. *Who was this guy?*

“My Lord,” Tosin continued. “The Supreme Court in the case of Kubor versus Dickson held that, computer generated evidence which failed to meet the requirements of Section 84 are inadmissible and should be rejected. The Supreme Court is the highest court in the land and by the doctrine of *stare decisis*, its decisions are binding on this Honourable Court. The rationale behind the Section 84 principle is to ensure that computer generated evidence are not doctored, as such evidence are susceptible to

manipulation. This is a criminal case. The life of the accused is on the line. These documents are inadmissible in the absence of the Certificate of Genuineness. I urge My Lord to so hold.”

Bamidele had no response to the objection of Tosin. He had an understanding with Tayo that none of his documents would be objected to, and whoever this Tosin guy was, did he not get the memo from Tayo?

Justice Okokon looked at Bamidele. He expected a response - any response. He needed a basis to reject Tosin’s objection and admit the documents. Bamidele had none. He was as confused as he was shocked. In the absence of a response, Justice Okokon had no option but to mark the documents as rejected.

Bamidele broke a sweat. This was not part of the plan. He thought of asking for an adjournment to go prepare himself, but he remembered how Justice Okokon dismissed Tosin’s application for an adjournment earlier in the proceedings. Bamidele knew he had no other option but to carry on with his trial.

Next, he sought to tender Eze’s confessional statement through the IPO. At least, this should nail Eze. Eze admitted to the crime in his confessional statement.

The IPO identified the confessional statement as the one obtained from the accused, and the said confessional statement was passed on to Tosin for any reaction. Bamidele prayed and hoped there would be none. He crossed his fingers.

Tosin studied the confessional statement. He did not spot anything to controvert the said statement. It was also as clear as clear could be. It was hand written with a pen. Just as Tosin was about retuning the document to the Registrar for onward submission to the court, he spotted something. And then he smiled.

“No objection, My Lord,” he said, smiling mischievously.

Bamidele was not sure if he should heave a sigh of relief or not. For one, he was happy Tosin was not objecting, but then, he was not sure why Tosin was smiling. The Judge admitted Eze's confessional statement in evidence.

"That will be all for this witness," Bamidele said and took his seat.

Tosin stood up to commence his cross-examination of the IPO. He had just one question for the IPO.

"Mr. Asuquo, take a good look at that confessional statement just admitted by this Honourable Court," he said. The document was passed on to the IPO. "Look at the signature column. Tell this Honourable Court who signed that document."

The IPO flipped to the signature page of the document. There was no signature. The document was unsigned. Dollops of sweat broke on his forehead as he struggled to explain how and why the confessional statement of a person accused of murder, was unsigned. Words failed him. He had no explanation.

"Yes, Mr Asuquo, the court is waiting for your response," Tosin said.

"The...My Lord...The document was not signed...But My Lord the accused wrote this statement in my presence."

"No, Mr. Asuquo. That was not the question I asked. The question is, who signed the document?"

"The document is not signed."

"That will be all for this witness," Tosin said.

"Any re-examination?" Justice Okokon asked Bamidele.

Bamidele had none. Rather, he asked that the witness be discharged.

"The witness is hereby discharged," Justice Okokon said. "Any other witness?"

“Yes, My Lord,” Bamidele replied. “We have an expert here to give expert evidence. May I call on Dr. Idris Momoh, the Prosecution’s second witness as PW2.”

Dr. Idris Momoh was the doctor who performed the autopsy on the deceased. He took to the witness stand. Bamidele took him through preliminary questions like his qualification and expertise. Then he asked, “When you conducted an autopsy on the deceased, what did you find as the cause of death?”

“The deceased died from poisoning,” Dr. Idris Momoh said calmly. He knew his stuff.

“Could you expatiate?” Bamidele requested.

“The deceased died from cholecalciferol. It is a common chemical substance found in rat poison. The drink offered to the deceased was heavily spiked with the substance, hence, high level of toxicity caused the demise of the deceased.”

As soon as Dr. Idris Momoh mentioned cholecalciferol whilst giving his evidence, Tosin brought out his Samsung Tab and went on the internet. He had to find out anything he could on the substance, as soon as possible. He was a lay man when it came to medical terms and he needed all the help he could get. And he needed them now.

He stumbled on several articles on Google on the subject but he had little time to read them. His eyes roved over the search results and all he could spot were keywords like “Vitamin D, Vitamin D₃, Human, Skin, Animal...” He was not sure what to do with all that. Then he heard the Judge say, “Yes, Mr. Adeyanju, do you have any cross-examination question for PW2?”

Tosin stood up slowly from his seat. He dropped his Tab on the table and started tapping the surface of the table with his fingers. He was not sure how to proceed.

Vitamin D, Vitamin D₃, Human, Skin, Animal...

The keywords he stumbled on the internet played in his head.

“Yes, Mr. Adeyanju?” Justice Okokon called again.

Tosin raised his head slowly. He had to gamble with his cross-examination questions.

“Mr. Momoh,” he called at PW2. “You say you are a doctor?”

“Yes, a very qualified one,” Dr. Momoh answered confidently.

“This chemical substance you said the deceased was poisoned with...”

“Cholecalciferol,” Dr. Momoh assisted without being asked. “It is used in making rodenticides.”

“Right. Thank you. Are you aware that, this chemical substance can...” Tosin paused.

Then continued, “would you be surprised if I told you that, this chemical substance can also be produced by the human body? That is, naturally, I mean?”

Tosin could not believe he just asked that question. He was not sure what answer he wanted to hear. The only thing he was sure of was that he had to create a doubt in PW2’s testimony.

Dr. Momoh shifted in his seat in the witness box. He tilted his head backwards as he thought out an answer. “Well, I do know that when one is exposed to the sun’s ultraviolet rays, the human body could produce some level of cholecalciferol, which in this instance is also known as Vitamin D₃...So yes, to an extent, the human body could produce cholecalciferol.”

There was an almost deafening and resounding murmur in the court room. Lawyers and litigants alike gasped at the revelation from the doctor. The Judge struck his gavel to compel them to keep quiet. Tosin could not believe the response from Dr. Momoh.

“So, you admit that cholecal - whatever is the name of the chemical substance you just mentioned - is not only found in rat poisons?” he asked.

“Yes,” Dr. Momoh replied. “The human body also naturally produces it.”

“The deceased in question – one Miss Nkem – would you by any chance know if she lived in Nigeria?”

“I don’t know where this question is going to and I cannot say if she lived in Nigeria.”

“Did she die in Nigeria?”

Dr. Momoh looked confused. “Of course, she did. Her body was picked up at Onike, Yaba, here in Lagos.”

“What was she wearing when she was found unconscious?”

“A gown...My Lord I don’t know where this question is aiming at.”

“Was it a full blown gown? A sleeveless gown? An open back gown? What sort of gown did you find her unconscious body in?”

“The gown was sleeveless. It also had an open back.”

“Wonderful. With the nature of the gown, was it possible that, the deceased was exposed to this Lagos sunlight?” Tosin emphasised the “Lagos” in his question. It was common knowledge that the heat in Lagos in recent times had been excessive.

Dr. Momoh was speechless.

“Please answer the question, Dr. Momoh,” Tosin persuaded.

“Yes.”

“So, is it possible that, the cholecalciferol found in the deceased could have been caused by sunlight? Any remote possibility?”

“Well, yes but..”

“That will be all for this witness My Lord,” Tosin cut in as he took his seat.

Dr. Momoh was discharged from the witness box at the instance of Bamidele Ayodeji who had no re-examination questions for him. With that, Bamidele closed the case of the Prosecution. It was time for Tosin to open the case of the accused.

“My Lord, the accused shall be entering a No-Case Submission,” Tosin said. “We don’t intend to put in any defence. The Prosecution has failed to prove the vital ingredients of the murder charge. The evidence of PW1 and PW2 are not cogent enough to sustain the charge or warrant the accused to go through the rigours of putting in a defence. We urge My Lord to so hold.” Tosin took his seat.

Bamidele sat glued to his seat, his head covered in shame. He could not understand what had just happened. He could not believe what he had just witnessed.

Justice Okokon took little time in writing his judgment. It was a short and direct judgment. The trial did not pan out as he had envisaged. But his hands were tied. The Prosecutor had failed to prove his case beyond reasonable doubt. The document containing the Twitter conversations which would have established the accused motive for killing the deceased had been rejected. The communication transcript between the accused and his friend Kazeem Odutola which would have established to some degree, the accused pre-planned disposition to killing the deceased, had also been rejected. The confessional statement of the accused was unsigned, and Justice Okokon knew that, in law, an unsigned document was a worthless piece of paper. It did not and could not establish anything in law. The expert evidence of the Prosecution’s PW2 was also shaken and put in doubt. Justice Okokon had no other option but to find the accused, not guilty, and accordingly, discharge and acquit him.

With laboured breath, he pronounced the concluding part of his judgment thus, “the Prosecution having failed to prove the charge of murder against the accused, I hereby find the accused, Eze Chinagorom, not guilty. He is hereby discharged and acquitted.”

Eze, on hearing the judgment of the court, fell to the ground in extreme shock and uncontrollable excitement. He also cried profusely as he rolled on the floor of the court. Tosin had to signal the Court Registrars to assist in comportsing Eze, so that, he would not be held to be in contempt of court by the Judge for his display.

Bamidele Ayodeji could not leave his seat.

After court proceedings, Tosin stood by the gate of the court compound, trying to flag down a cab that would take him to the office. A young man approached him. He did not know who the young man was. The young man did not introduce himself either. All the young man said on getting to Tosin was, “Take. This would interest you.” He handed a brown A4 sized envelope to Tosin and ran away before Tosin could utter a word. A yellow cab screeched to a stop in front of Tosin.

“Legal Aid Council, Ikoyi,” Tosin said as he slotted into the back seat of the yellow cab. “Please put on your AC. This Lagos heat is killing me.”

As the cabman drove on, Tosin opened the brown envelope. A number of glossy sheets fell onto his thigh. They were photographs. Tosin started looking at them one after the other. The first picture was that of a young, beautiful and exuberant-looking lady walking into an event centre. A paper marker was used to encircle the word “Nkem” above the lady’s head in the picture. Deep into the background of the picture, Tosin could spot a familiar face. It was that of Justice Okokon.

THE END

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