Appeal Court reserves judgment in defilement case against Olaleye

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Man remanded for alleged defilement of teenager in Lagos  
  
The Court of Appeal in Lagos has reserved judgment in the appeal of Dr Olufemi Olaleye, the Medical Director of Optimal Cancer Care Foundation, who is challenging his conviction and life imprisonment sentence for defiling his wife’s 16-year-old niece.  
  
  
  
Olaleye is seeking to overturn the judgment of Justice Rahman Oshodi of the Lagos Sexual Offences and Domestic Violence Court, Ikeja, which was delivered on October 24, 2023 .  
  
Justice Oshodi found Olaleye guilty of two counts of defilement and sexual assault by penetrating the minor.  
  
A three-man panel, comprising Justice Olukayode Bada (presiding), Justice Mohammad Ibrahim Sirajo, and Justice Folasade Ojo, heard the appeal. After listening to arguments from both sides, the panel reserved its judgment, which was to be delivered on a date to be communicated to the parties.  
  
Olaleye’s counsel, Kemi Pinheiro (SAN), argued that the lower court erred in convicting his client. Pinheiro contended that there was no direct evidence, such as a birth certificate or testimony from someone who witnessed the victim’s birth, to establish that the girl was indeed 16 years old at the time of the alleged offences. He further argued that there was no direct evidence from anyone who witnessed the alleged acts.  
  
However, the respondent, the Lagos State Government, represented by Chief State Counsel Olufunmi Aluko, argued that the prosecution had proven the offences beyond a reasonable doubt. Aluko pointed to the consistency of the survivor’s account, which was corroborated by the testimonies of several witnesses, including Olaleye’s wife (Mrs Aderemi Fagbemi Olaleye), a police officer from the Gender Section of the Nigeria Police (Esther Igbineweka), the medical doctor who examined the survivor (Dr Akinbunmi Oyebimpe), and the investigating police officer from Anthony Police Station (Inspector Abe Leonard).  
  
The prosecution maintained that there were no contradictions in the testimonies of its witnesses and that the medical report, while not the sole basis for the conviction, served as corroborative evidence to prove penetration.  
  
  
  
Aluko emphasised that to establish the offence of defilement, the prosecution needed to prove that the victim was underage, that the accused had sexual intercourse with her, and that the consent of the child was immaterial. She argued all these had been proven during the trial.  
  
In his appeal, Olaleye also contended that the medical report did not specifically indict him as the perpetrator.  
  
In response, the state counsel argued that the judgment was not based solely on the medical evidence but on the totality of the evidence presented, including the survivor’s compelling testimony.  
  
The survivor had testified in the lower court that Olaleye had sexually abused her daily, starting with showing her pornography and progressing to oral sex and other acts. She stated that the abuse occurred at their home, typically around 2:00 a.m., after he had switched off the CCTV cameras or turned them away. She also testified that he had threatened her not to tell anyone.  
  
The Court of Appeal specifically inquired about the complainant’s motives in bringing the case forward. Aluko responded that the complainant acted in the interest of justice, as a grievous crime was committed against the state.  
  
The court will now consider all the evidence and arguments before passing judgment.  
  
  
  
MEANWHILE, Justice Abiola Soladoye of the Lagos Sexual Offences and Domestic Violence Court has remanded Augustine Ekerette in custody at a correctional centre for the alleged defilement of a 17-year-old girl.  
  
Ekerette was arraigned on a one-count charge of defilement brought against him by the Lagos State Government.  
  
The charge alleges that he consistently defiled the 17-year-old girl by having unlawful sexual intercourse with her between 2020 and July 2023 at Plot 124, GRA Ogunla, Ikorodu, Lagos.  
  
The prosecution stated that the offence contravenes Section 137 of the Criminal Law, Cap. C17, Vol. 3, Laws of Lagos State, 2015.  
  
Ekerette pleaded not guilty to the charge.  
  
Ms A.R. Bolade, the prosecuting counsel, requested an adjournment to commence the trial.  
  
Justice Soladoye granted the adjournment, remanded the defendant in custody, and adjourned the case for trial on November 11, 2023.