A’court acquits Lagos doctor jailed for raping wife’s niece

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The Court of Appeal sitting in Lagos has discharged and acquitted the Medical Director of Optimal Cancer Care Foundation, Dr Olufemi Olaleye, of defilement of his wife’s niece.  
  
Dr Olaleye was accused of raping his wife’s teenage niece and was sentenced to life imprisonment by an Ikeja Sexual Offences and Domestic Violence Court.  
  
The trial judge at the lower court had found the case presented by the prosecution as compelling.  
  
Olaleye had appealed his conviction by the lower court seeking an order of the appellate court to quash his conviction and life sentence for defilement and sexual assault by penetration of a minor.  
  
Delivering judgment in the matter yesterday, the court of appeal determined all five issues of appeal against the prosecution in favour of the appellant.  
  
Justice Jimi Bada of the Court of Appeal, Lagos Division, who read the lead judgment of the three-man panel, held that the trial court erred in convicting Dr Olaleye based on “tainted” and “unreliable” evidence of his estranged wife, Oluremi, and the alleged survivor (names withheld).  
  
Justice Bada said there were material contradictions in the evidence gathered by the prosecution, which shouldn’t have been relied on by the lower court.  
  
The appellate court faulted the evidences of the prosecution during trial, which it noted were from a child forensic specialist, a medical doctor from the Mirabel centre and the investigating officer.  
  
The appellate court held that the evidences against the appellant were found to be “worthless”.  
  
The appellate court held that the trial judge at the lower court descended in the arena and interfered in the proceedings to bridge the yawning gaps in the prosecution’s case.  
  
The Court of Appeal also queried the prosecution’s failure to present material witnesses such as two family members who witnessed the appellant’s alleged confession.  
  
Justice Bada said that a trial-within-trial ought to have been conducted during trial to verify the voluntariness of the appellant’s confessional statements while in police custody.  
  
The appellate court held that the confessional statement of Dr Olaleye was made under duress after he had been detained for six days.  
  
The appellate court therefore quashed the conviction of Dr Olaleye and discharged and acquitted him of all charges brought against him at the lower court.  
  
The lead judgment read by Bada was adopted by the two other justices, Mohammad Sirajo and Folasade Ojo.