

17th August, 2020

- 1. The Executive Governor of Anambra State.
Awka.**
2. The Hon. Chief Judge of Anambra State,
Awka.
3. The Honorable Attorney General of Anambra State,
Awka
4. The Director of Public Prosecution Ministry of Justice,
Awka.
5. The Administrative Judge Aguata High court,
Ekwulobia.

Dear Sirs,

**RE: PLOT TO ABORT PROSECUTION OF CHARGE NO:
AJMC/42C/2017 AT AGUATA MAGISTRATE COURT, EKWULOBIA TO
SECURE TRAVESTY OF JUSTICE.**

The undersigned write on behalf of the within named family to call your attention on following facts;

1. The above charge is an offshoot of Nanka Town Town Union and Chieftaincy Constitution 2011.
2. Presently, there are 5 other civil cases namely; Suit Nos: AG/159/2013; AG/185/2013; AG/171/2016; O/MISC/1446/2017; AG/74/2020 on said Constitution by different entities in Nanka.

3. Presently there is an interlocutory Order of Hon. Justice C. N. Mbonu Nwenyi suspending the Constitution on matters relating to Chieftaincy.
4. 4 persons namely Messrs Damian Okoye, Bernard Onyekwelu, Godwin Nwabueze Nwafor and Patrick Okeke Emezue are currently being prosecuted in the above charge for 'uttering and forgery' with respect to the said constitution.
5. Five Magistrates have handled proceedings in this Charge but were frustrated by petitions at the instance of defendants; see Annexure A
6. Several other unsustainable petitions have been written against serving and retired Justices of High Court of Anambra State to frustrate trials in the above charge; see annexure B
7. The Anambra State Judiciary had in certain judgments and administrative proceedings made pronouncements or gave directives that Defendants should stand trial in the above Charge; see Annexure B
8. The defendants in a bid to frustrate their trial had also gone on appeal and all the four appeals at the Aguata High Court were dismissed viz
 - i. AG/2CA/2019 Chief Leonard Onyekwelu and Inspector General of Police.
 - ii. AG/3CA/2019 Chief damian Okoye and Inspector General of Police.
 - iii. AG/4CA/2019: Godwin Nwabueze Nwafor and Inspector General of Police.
 - iv. AG/5CA/2019: Chief Patrick Okeke-Emezue and Inspector General of Police hence they now go underground to seek unconscionable ways of frustrating the charge).

9. They had even stooped so low to act as complainants in the said charge and to seek to change our counsel purporting that it is our desire to do so.
10. We have been informed and we verily believe that the defendants in the charge have now written to the Honourable Attorney General of Anambra State presenting position for possible withdrawal of fiat issued to prosecute them by a private legal practitioner and entering Nolle Prosequi in the said charge.
11. The defendants stand from information reaching us that since the Government of Anambra State approved the Nanka Town Union and Chieftaincy Constitution 2011, it will be wrong for same Government to be prosecuting the defendants.
12. Our stand on the contrary, is that the approval was given based on misrepresentation and suppression of facts which if it were available at the time of the grant, the relevant agency wouldn't have done what it did.
13. Further, the government of Anambra State was not present when the constitution was made and the defendant uttered the original constitution and forged same before presenting it to the government who innocently played along with them.
14. We refer to various pronouncements made by Courts and administrative decisions by the Government Agencies and confirm that it will be ridiculous for Government to stifle prosecution of this charge. It will amount to perversion of justice. It will be a mess and embarrassment to judicial system and to the administration of criminal justice system. Such actions will obviate breach of trust and make mockery of our Judicial System. It will be a dent to our judicial system and public policy.

15. We leave you with a poser: if the action of the defendants is legitimate; if the defendants have good defence; why can't they stand trial and defend their action; why can't they advance their defence to court instead of frustrating trial of the charge since 5 years.
16. The society is watching as one wrong step begets another. We urge you to help protect the integrity of the court and society. We urge that the Court be allowed to try the matter to restore the confidence of the society in it's system and to assure that it works.
17. If what we hearing is true, then it is again a confirmation of two things I said earlier; That any step by NPU to defend her criminal forgery case in court would always amount to a more significant mistake and eventually lead to infectious injustice.

Secondly, we said that this case of Ezeokwghi Ezeofor Royal Family Nanka would either strengthen or destroy the remains of justice in Anambra state and beyond.

18. The information reaching us has it that our brother Ositadinma Onwuatuegwu did inform Nanka forum two days ago that the Anambra state Attorney General has entered Nolle on the criminal case against four NPU executives.

His words "News from gravepine has it that the Honourable Attorney general and commissioner for Justice Anambra state has entered nolle prosequere in the criminal case arising from the Nanka patriotic union constitution. The case, therefore, is dead." - Ositadinma Onwuatuegwu with registered Tell: 0812 108 2555 Nanka Forum; 7:58 PM. 15/08/2020.

19. **RELATING TO NOLLE PROSEQUI:**

Section 211 of the 1999 Constitution states clearly That the Attorney-General of a State shall have power-

- a. To institute and undertake criminal proceedings against any person before any court of law in Nigeria other than a court-martial in respect of any offence created by or under any law of the House of Assembly;
- b. (b) In exercising his powers under this section, the Attorney-General of a State shall have regard to the public interest, the interest of justice and the need to prevent abuse of legal process.
We are not lawyers but we understand the above.

The questions are:

- i. Who is Barr Ositadimma Onwuatuegwu?
 - ii. How did he know that Nolle has been entered in an ongoing matter which is coming up today the 17th Of August 2020?
 - iii. Is Barr. Onwuatuegwu the petitioner or is he the delegated legal practitioner through which Nolle is to be entered on the stated date?
 - iv. Can Nolle be celebrated by the accused even before it is entered?
20. **We had gone to court on 17/8/2020 and the matter was adjourned sine die by the Magistrate based on the petition written by “an interested party” upon which the Attorney General and Commissioner for justice directed our lawyer to remit the original case file to her office to enable her answer the petition. Who is the interested party? What business has he/she in our case? Why is his/her identity being hidden from us and the public? These and others are questions left to the authorities to answer in the interest of justice. We however plead with Ezeokweghi Ezeofor Royal Family and the entire peace-loving Nankarins to sustain courage and take it with a calm heart. We all tried to restore justice and equity in the community, the state and the entire nation.**

We want to assure Nankarians that we did not fail them; we worked hard to make sure that the voice of justice was upheld.

However, we are carefully studying the entire section 211 of the Constitution, especially subsection 3, where concern upon which such power must be based. We have immediately started making serious consultations and will surely bring it to a dead conclusion; it would either be justice or injustice all the way. It is a huge shame on the side of NPU.

21. We deserve as citizens of this country to know what is happening in our case and to make contributions before decisions affecting us are taken by the government.

With the greatest respect,

We remain

Yours faithfully,

.....
Chief Ben Okeke
Chairman

.....
Wilfred Okafor Assistant
Secretary