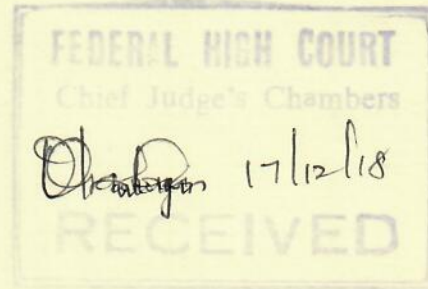


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17 December 2018

The Honourable Chief Judge
Federal High Court
Shehu Shagari Way
Central Business District
Abuja



My Lord

**CHARGE NO. FHC/L/418C/18 – FEDERAL REPUBLIC OF
NIGERIA V USORO – TRANSFER OF CHARGE FROM
HONOURABLE JUSTICE M S HASSAN'S COURT**

I request, in all humility and with great respect, as the Defendant in the above-numbered Charge for the transfer, by Your Lordship, of this Charge from the Court of Honourable Justice M S Hassan to the Court of any other Judge of His Lordship's choosing in the Abuja, Uyo or Lagos Divisions of this Honourable Court.

My application is hinged on the interest of justice and, in particular, to obviate the impression that has been created by the prosecuting agency, the Economic and Financial Crimes Commission ("EFCC") that it specifically forum-shopped for His Lordship Hassan J's Court where it believes it will secure favourable rulings and judgment howsoever.

The following facts justify my respectful request for the transfer of the Charge and indeed for Honourable Justice M S Hassan to recuse himself from the hearing of this Charge even before the reassignment of the Charge by Your Lordship to another Judge:

- I. On Monday, 10 December 2018, when this matter came before His Lordship, Honorable Justice M S Hassan for the first time, the EFCC Prosecuting Counsel, Rotimi Oyedepo Iseoluwa correctly informed the Court that this matter was investigated by the Abuja offices of the EFCC and that the Investigating Officer(s) are resident and work out of the Abuja Offices of the Commission.
- II. Most of the EFCC witnesses in this matter are resident in Abuja. In particular, of the 9 (nine) EFCC Witnesses that are named and listed in the Proof of Evidence 6 (six) of them – Ibrahim Musa Miringa, Abdulrahman Mohammed Arabo, Adegboyega Awomolo, SAN, Onyechi Ikpeazu, SAN, Festus Jumbo and D D Dodo, SAN – are resident in Abuja. Only 2 of the named witnesses – Tayo Oyetibo, SAN and Theophilus Oyesanya, SAN – are resident in Lagos. The ninth witness, Idongesit Ekom Udom, is resident in Uyo.

III. As the Defendant, to the knowledge of the EFCC, I spend most of my working days in Abuja where the Secretariat of the Nigerian Bar Association is located, consequent upon my ascension on 31 August 2018 to the office of the President of the NBA. Indeed, I consistently met with the EFCC Investigating Officers in Abuja between June 2018 and December 2018. Throughout the investigation of this matter, I never met with any EFCC official in Lagos in relation to this Charge.

Given these facts, there is justifiable question and concern over the EFCC's decision to file this Charge before the Lagos Judicial Division of this Court following which, the Charge ended up in the Court of Honourable Justice M S Hassan, a former Prosecuting Counsel with the EFCC who was appointed from that office to the Bench. With the greatest respect, My Lord, it is rather difficult for any reasonable mind, me inclusive, not to imagine that the EFCC filed this Charge in the Lagos Division of this Honourable Court – instead of the Abuja Division or even the Uyo Division where the crimes in the Charge were allegedly committed – and the matter was assigned to Honourable Justice M S Hassan's Court solely because the agency is counting on the loyalty of its former employee to secure favourable rulings and judgment in this Charge.

I believe that His Lordship Honourable Justice Hassan need not and should not be placed in such an untenable, contentious and unkind position as the EFCC seeks to place him and the Court. In the present scenario, it would be practically impossible for any reasonable person, me inclusive, to believe that His Lordship is not pandering to his former constituency and employers in the event that the Court, in the course of the proceedings in this Charge, delivers any ruling or Judgment that is in favor of the prosecuting agency. That opinion and colouring is already gaining grounds amongst members of the public who are following the proceedings in this Charge and I respectively contend that justice is not and will not be served thereby.

It is in these circumstances that I most humbly and respectfully urge Your Lordship to either transfer this Charge for hearing before any Judge of the Abuja or Uyo Judicial Divisions of this Honourable Court. In the alternative and if this Charge must still be heard before the Courts in the Lagos Division of this Honourable Court, I respectfully crave Your Lordship's indulgence for it to be heard by any Judge of the Division other than Honourable Justice M S Hassan – and I make this application with the greatest respect to His Lordship Honourable Justice M S Hassan.

Yours sincerely



Paul Usoro, SAN