

## **The Role of Cooperative Principle on Witnesses' Credibility in Defence's Cross-Examination in High Court of Justice Ibadan, Oyo State, Nigeria.**

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### **Abstract**

*In recent years, scholars have focused on the strategic language use in courtrooms, especially during cross-examination, but less attention has been paid to how Cooperative Principles in Courtroom Discourse impact the accused's credibility. In order to bridge this gap, this research analyses the role of Cooperative Principles on Witnesses' Credibility in Defence's Interrogation at the High Court of Justice, Ibadan, Oyo State, Nigeria. The study adopts Grice's Cooperative Principles as its theoretical framework. Data from ten (10) dialogues between defence attorneys and witnesses across four cases were purposively selected for qualitative analysis. The findings of the research reveal that each time the maxims were adhered to, witnesses provided accurate, relevant, and clear information, which helped the court obtain reliable evidence. However, in the research, some witnesses flouted, while others violated maxims by being ambiguous, inconsistent in their responses or deliberately misleading the court with the intention that the court would not be aware which Defence Counsel utilises by exposing the inconsistencies. Overlapped maxims is utilised by Defence Counsel to pressure the prosecution witness to accept the narration of the Defence Counsel which automatically weakens their testimonies. The research concludes that reliance on Cooperative Principles ensure accuracy and reliability of the information presented*

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## **Introduction**

Language is a tool used by people to communicate their thoughts and desires. "Language can help man to express his ideas and wishes to another, such as when people need some help, so that close relationships among members of the group can be achieved" ( Ramelan, 1991: 8). According to Adeyanju (2007:204), language users describe in their minds not just the events they write, read, or hear about, but also the extensive communicative setting in which they are involved. Discourse is just "language in use" (Brown and Yule, 2003: 1).

Discourse is the means by which we speak to one another in social contexts. Discourse analysis (DA), refers to a broad range of qualitative techniques that investigate the linguistic expression and structure in relation to social and cultural contexts, it also focuses on the language use and the content in various social contexts to determine how a document conveys meaning (Grant et al., 2005). Discourse analysis exists in a variety of academic fields, including literature, linguistics and philosophy, anthropology, sociology, socio-psychology, and communication studies (Grant et al., 2005). It thus offers a viewpoint that transcends disciplines. Discourse analysis is described as "the systematic study of naturally occurring (as opposed to hypothetical) communication in the broadest sense, at the level of meaning (rather than as physical acts or features)" (Bavelas, Kenwood, and Philips (2002:102). Discourse analysis may be used in a variety of contexts, including the police interrogation rooms, immigration offices, contracts, acts of parliament, police interviews, courtroom testimony, and petitions for mitigation. Discourse analysis has great deal of scope in the legal field, especially because it is a highly expressive profession. Since all oral exchanges in court are meticulously documented in writing, it is widely recognized as a field involving written

speech. This research therefore examines how the Defence Attorney uses Cooperative Principle to establish doubt and discredit the prosecution witnesses.

### **Courtroom Discourse**

Courtroom discourse is a sub-genre of professional discourse, as opposed to the everyday linguistic exchanges that occur in everyday human interaction (Santos, 2004). A defence counsel may aim to impeach the witness's credibility by presenting prior inconsistent statements, contradictory evidence, or challenging the witness's memory or perception of events. This can be done by confronting the witness with documents, statements from other witnesses, or highlighting any potential biases or motives that may influence the witness's testimony. Defence counsel will carefully analyse the witness's previous statements, deposition transcripts, police reports, or other evidence to identify any contradictions or inconsistencies. By pointing out these discrepancies, the defence can undermine the witness's reliability and cast doubt on their version of events. Defence Counsel may seek to restrict the witness's testimony to a specific area or limit the witness's knowledge about certain facts by requesting yes/no answer to specific questions. Confining the witness's responses to a narrow scope helps the defence to prevent the witness from providing damaging information or expanding on issues that could be harmful to the defence.

It is important to note that the specific discourse features utilized in cross-examination may vary depending on the circumstances of the case, the witness's demeanour, and the defence strategy. Scholars have considered that those involved in a courtroom trial: the judge, the attorneys, the litigants, and the witnesses form a community of practice. They possess

knowledge of "in-group language practices" due to their status as community members (Herring, 2008). According to Grice (1975), these practices include the laws, customs, and mores that regulate how people take turns speaking, what questions are appropriate to ask, what kinds of answers are expected, the number of maxims adhered to, flouted and violated during question-and-answer session of courtroom discourse and how the participants (the judge, the attorneys, the litigants, and the witnesses) should generally behave. Legal practitioners must recognize the importance of the right use of language, particularly the Cooperative Principles employed by the defence counsel to challenge the credibility of the prosecution witnesses (Hale, 1997:201).

### **Cross-examination**

Cross-examination is a pivotal stage in the adversarial process of a legal trial. The defence counsel's ability to effectively cross-examine prosecution witnesses plays a crucial role in challenging the credibility and reliability of their testimony. Cross-examination is described in Section 214(2) of the Evidence Act, Laws of the Federation of Nigeria, 2011, as "the examination of a witness by a party other than the party who calls him." That is, the cross-examination of a witness by the adversary.

Cross-examination aims to discredit a witness by demonstrating from his own words that the accused is not deserving of his fate, and refute the witness by proving that his testimony conflicts with other testimonies. Distinguishing fact from fiction and adding facts that were purposefully omitted will help to view the situation in the appropriate perspective (Gibbons 2003:112). Also, Farinde (2022) agrees with this assertion. According to Farinde, the purpose of cross-examination is to discredit the witness's testimony. In the opinion of Hobbs (2002:416), counsels see cross-examination as a chance to explain their interpretation of the facts to

the jury. The responses of witnesses are a clear technique to influence the jurors' opinions. However, skilled cross-examination attorneys are aware that a question in and of itself can be a potent tool.

## **Theoretical resources relevant to data analysis**

### **Cooperative principle**

The Cooperative Principle, proposed by the philosopher Grice in 1975, is thought to guarantee effective human communication. According to Grice (1975:45), discourse exchanges between people do not entail disconnected statements, and each person can identify "a common purpose or set of purposes, or at least a mutually accepted direction" in these conversations. Participants are expected to follow the following general guideline when participating in these remarks: "Make your conversational contribution such as is required, at the stage that it occurs, by the accepted purpose or direction of the talk exchange in which you are engaged." Grice goes on to list four maxims, some of which have more detailed submaxims. He refers to them as the categories Quantity, Quality, Relevance, and Manner.

### **Maxim of quantity**

The maxim about quantity applies to the volume of information offered. Participants in a discourse are expected to make their contributions as informative as necessary. This necessitates the maintenance of balance in order to prevent one side's contribution in a communicative encounter from being viewed as being too much or too little, especially in the context of a judicial trial (Celce-Murcia and Olshtain, 2000:22). The maxims show how the rules of court require that the information provided by witnesses be accurate and presented in the proper amount. Witnesses are not expected to provide more information than the court requires. Additionally, both the defendants and the witnesses are expected to provide testimony that is

factual and pertinent to the matters at hand; if a witness disobeys or violates this rule, it may be possible for the defence attorney to discredit the testimony of the prosecution witnesses.

### **Maxim of quality**

This quality tenet has to do with how accurate the information is. There are two submaxims that go along with it: "Do not say what you believe to be false" and "Do not say that for which you lack sufficient evidence." This maxim states that participants in conversations should only provide information that they genuinely believe to be true and should refrain from sharing any information that is unsupported by any proof. This maxim is in accordance with the rules of judicial procedure, which provide that everyone testifying in court must swear under penalty of perjury.

### **Maxim of relevance**

The simple phrase "Be relevant" summarizes perfectly this dictum's emphasis on the information's applicability. This indicates that the participants are expected to contribute to communication that affects the communicative event associated with the case that is being heard in court.

### **Maxim of manner**

This maxim of manner has four submaxims that are: "Avoid obscurity of expression, avoid ambiguity, be brief (avoid unnecessary prolixity), and be orderly." This maxim of manner deals with "how what is said is to be said" rather than what is actually said (Grice, 1975:46). This indicates that the contributors are required to provide a contribution that is understandable and unambiguous, eliminating unnecessary repetitions. The parties must carry out the conversation "in a maximally efficient, rational, cooperative way," as Levinson (1983:102) specifies; that is, each person engaging in the conversation in the courtroom should contribute to the discussion by

offering sufficient information in a sincere, pertinent, and understandable manner.

### **Flouting / violating cooperative principle**

Grice's maxims are occasionally flouted by people on purpose and the person flouting wants the listener to know. There is a distinction between flouting maxim and violating maxim; whereas people may flout maxim when they do not abide by it, violation of maxim happens when a speaker purposefully misleads other speakers. People flout maxim for a variety of reasons. They may do so to purposefully avoid maxims based on legal terms or because they lack the language ability to respond to a question. Knowing how many maxims are followed in the production and interpretation of spoken and written speech, particularly in legal discourse, is crucial.

### **Overlapped maxims**

Maxims overlap when a participant flouts maxims simultaneously. A statement may flout the rules of quality and quantity at the same time by being ambiguous and prolonged. Determining the degree to which people are adhering to these maxims in their speech is crucial for both the creation and interpretation of written and spoken discourse (Paltridge,2012:47).

### **Cooperative principle in defence counsel cross-examination of prosecution witnesses**

Four maxims were identified in the selected data for this study. These maxims include: maxim of quality, maxim of quantity, maxim of relevance and maxim of manner. These features are further characterised into flouting maxim, violating maxim and overlapped maxims. The datums below reflect the level at which the maxims are adhered to in courtroom conversation.

**Datum 1**

DC: Witness, how old are you?

PW1: I am twenty-five years old

DC: You stay alone, don't you?

PW1: Yes, I do

DC: Witness, you gave evidence now that you do not know the defendant

PW2: Yes

DC: Neither do you know where he lives?

PW2: Yes

DC: You got to know about the purported rape, when pw1 told you?

PW2: Yes

DC: Please tell this court when she told you.

PW3: She told me the very day she got home

DC: And what did you advise her to do

PW3: I told her to report at the station.

From the datum above, it is evident that the participants at different instances comply and adhere to the four maxims: quality, quantity, relation and manner. The witnesses adhere to these maxims by providing accurate, truthful, sufficient, relevant information that is directly related to the questions asked about their age, knowledge of the defendant, knowledge of the defendant's residence, the source of their knowledge about the incident and the timeline of when they were informed. This adherence to truthfulness ensures the court has reliable and credible information. Also, this helps establish key details and allows for a more comprehensive understanding of the case. The witnesses respond clearly and directly to the questions asked, and the information is provided in a straightforward manner without unnecessary ambiguity. This facilitates effective

communication with the court and enhances the clarity and comprehension of their testimony. Consequently, this allows the court to make informed judgments and decisions based on accurate and credible evidence. The adherence to these maxims also enhances the overall efficiency and effectiveness of the court proceedings. However, there are several other instances where maxims were flouted, violated and overlaps also appeared.

### **Flouting maxim**

Flouting Maxims happens when someone breaks maxim. People flout maxims for a variety of reasons. According to Grice (1975: 49), maxim flouting is one type of non-observed cooperative principle. A speaker might avoid maxims on purpose based on legal grounds or because they are unable to adequately respond to a question in words.

### **Maxim of quantity**

The maxim of quantity requires a participant in this case, a witness to be given required information and not more. Witnesses flout the maxim of quantity by supplying information that is more than what is required of them. The datum below comprises different contexts. The first is the context of a rape case while the other is a context of an appellant suing the defendant for defamation of character, the appellant being accused of sexual harassment.

#### **Datum 2**

DC: What is the level of your education?

PW1: *I went to school*, I am a school certificate holder

DC: So some persons were still around when the act happened? yes or no?

PW1: Yes but outside

**Datum 3**

DC: You also know Badewa Isola

PW1: Badewa Isola, a student too? That is ridiculous. No I don't.

The principle of quantity was flouted during the conversation between the defence counsel and the prosecution witnesses. In the initial instance, the witness was queried regarding her educational background, where she unnecessarily disclosed attending school as her response. Subsequently, when posed with a question necessitating a simple yes or no response, the witness included additional information by stating "but outside," deviating from the requested brevity. Lastly, the witness was asked if he was acquainted with a student named Badewa Isola, to which a yes or no answer was sought; nevertheless, the witness offered extraneous information that was not germane to the question. Drawing on these instances, the defence counsel leverages on these inconsistencies to challenge the reliability of the information provided, planting seeds of doubt in the judge's perception and fortifying his argument.

**Maxim of quality**

Maxim of quality requires participants to be truthful and base their contribution on the evidence they have. In courtroom discourse, witnesses often flout maxim of quality by providing false information. The context of the datum below is a case of defamation of character. The witness below (PW3) testifies for the appellant on the ground of being familiar with him.

**Datum 4**

DC: Witness, take a very good look at PW1, do you know him?

PW3: Yes I do

DC: Which means you must have had an encounter with him

PW3: Well, not directly

DC: What is your relationship with PW1?

PW3: pause I said I had no physical contact with him

DC: Nor his relative, yes or no?

PW3: No

DC: In other words, you don't know him at all

PW3: ...No

The prosecution witnesses have violated the maxim of quality by not being truthful and providing accurate information in the datum above. PW3's responses lack consistency and honesty. Despite initially acknowledging that he knows PW1, PW3 later attempts to downplay his encounter with phrases like "not directly" and denying physical contact. These responses and hesitations suggest that PW3 is not being forthright in his statements, thus violating the maxim of quality which requires providing accurate and truthful information.

Revealing these discrepancies in the prosecution witness's testimony helps the defence counsel to raise doubts about the credibility and reliability of the prosecution witnesses' statement. The inconsistent and deceptive responses from PW3 indicate a lack of honesty and integrity in his account, which is used by the defence to discredit the prosecution witnesses' version of events. This approach helps the defence counsel to undermine the prosecution witnesses' credibility and support his case.

### **Maxim of relevance**

The maxim of relevance requires participants in a conversation to say only that which is relevant to the topic. In courtroom discourse, the maxim of relevance is flouted when a participant provides information that is not relevant to the question being asked. Datum 27 is a context of a rape case, where the Defence counsel questions the plaintiff:

**Datum 5**

DC: And you did not scream for help?

PW1: I wanted...

DC: At least there was no music and the defendant did not arm himself

PW1: I was shocked, I could not do anything than to comply

DC: As a lecturer you have an office. Don't you?

PW1: Two lecturers occupy one office

The prosecution witnesses flouted the maxim of relevance by not providing pertinent information in the conversation datum above. This assists the defence counsel in discrediting the prosecution witnesses and validating his case by highlighting inconsistencies. In the first conversation, PW1's responses fail to directly address the questions posed by the defence counsel. Instead of providing relevant information about the absence of music and the defendant being unarmed, PW1's response was irrelevant to the question. In the other context, PW1's answer to the question about having an office as a lecturer deviates from providing precise and focused answers indicating unwillingness to address the specific points raised.

Consequently, pointing out these irregularities in the prosecution witnesses' responses helps the defence counsel to cast doubt on the credibility and reliability of the witnesses. By demonstrating the witnesses' tendency to provide irrelevant or evasive responses, the defence counsel argues that the prosecution witnesses' testimonies are inconsistent and unreliable. This approach helps the defence counsel to discredit the prosecution witnesses' accounts and bolster their own case by highlighting the discrepancies and lack of direct, pertinent information provided by the

witnesses.

### **Maxim of manner**

Maxim of manner requires that participants in conversation be clear, brief, orderly and avoid ambiguity. A witness in a courtroom cross-examination flouts maxim of manner when their answer is not clear, brief or it is ambiguous. The context of the data below is a rape case where a witness claims that everyone had left the party when the accused committed the act.

### **Datum 6**

DC: Are you telling this court that everyone you met there left the party at the same time?

PW1: Yes, Erm ... I mean, no, everyone did not leave at the same time some persons were still outside because music had been stopped and clearing was being done.

The prosecution witness in the given conversation has flouted the maxim of manner by being unclear and ambiguous in her responses, which aids the defence counsel in discrediting her and validating his case. PW1's response is unclear, containing hesitations, repetitions, and unnecessary elaborations. The witness initially agrees that everyone did not leave the party at the same time but then goes on to provide a long and confusing explanation about people being outside due to music being stopped and clearing being done. This ambiguity and lack of directness violate the maxim of manner, which emphasizes clarity, conciseness, and directness in communication. The defence counsel utilises this lack of clarity and ambiguity in the prosecution witnesses' statements to challenge her credibility and the accuracy of her testimonies. Also, pointing out the confusing and long-winded nature of the response from PW1 helps the defence to argue that the witness is trying to hide the facts and that this

demonstrates that their responses lack clarity and coherence, which indicates a lack of truthfulness, reliability and doubts about the accuracy of their recollection of events and casts suspicion. This approach is instrumental in discrediting the prosecution witnesses and validating the defence counsel's case.

### **Violating maxim**

A maxim is violated when a speaker deliberately misleads other speakers. According to Grice (1975), the goal of a maxim violation is to mislead the hearer, with the expectation that the hearer is unlikely to recognize that the speaker is giving false information.

### **Maxim of quality**

The maxim of quality requires participants to be truthful and base their contribution on the evidence they have. In courtroom discourse, witnesses violate the maxim of quality by providing false information to the court. The context of the datum below is a case of kidnapping.

### **Datum 7**

DC: You also gave evidence that you cannot identify the face of any of the bandits BUT that one of them is light skinned, don't you?

PW1: I identified the defendant because I saw him

DC: Witness! by your evidence in the court this morning and exhibit A1 which was taken when the incident was fresh, you said you can't identify but that one of the bandit is light skinned, didn't you?

PW1: I didn't. Erm...

PC: Objection, my lord, leading question by the defence counsel

JUDGE: Objection over ruled, please continue.

DC: by your evidence in the court this morning and exhibit A1 which was taken when the incident was fresh, you said you cannot

identify but that one of the bandits is light skinned.

*(The witness is given exhibit A1 to read out lines “18- 20”)*

DC: Witness I put it to you that you are here to mislead this honourable court as you cannot and did not identify the bandit.

PW1: That is not true.

In the datum, the witnesses violate the Maxim of Quality, PW1 intentionally misleads the court by contradicting her being able to identify any of the bandits. The specific action of bringing exhibit A to fact check the witness during the dialogue helps the defence counsel to validate his point by arguing that the witness deliberately contradicts her earlier statements about the identification of the bandits which raises doubts about her credibility. The objections and rulings help the defence counsel to demonstrate to the court the inconsistencies in the witness's testimony, suggesting a lack of reliability.

### **Overlapped maxims**

Overlapped maxim happens when in a conversation people simultaneously flouts several maxims (Paltridge 2012:47). The context of the case is a two-count charge of conspiracy and kidnapping between a defendant accused of being be a kidnapper and the witnesses that experienced the purported the act.

### **Datum 8**

DC: So I will be right to say that all you said about the defendant is what you were told?

PW3: Of course, they know what they saw

From the datum above, three maxims were flouted simultaneously, maxim of quantity, relevance and manner. The witness in the above datum flouts the maxim of quantity which requires a witness to give required information and not more, the statement only requires a yes or no response.

The maxim of relevance which requires a witness in a conversation to say only that which is relevant to the topic, and The maxim of manner which requires that participants in conversation be clear, brief, orderly and avoid ambiguity were flouted by PW3. Her response is vague, ambiguous and lacks the detailed information necessary to provide a clear and straightforward answer to the question. The information she shared does not align with the topic under discussion, which may either mean she was saying the truth about what she saw or she was deliberately lying, further violating the maxim of manner. The defence counsel exploits these breaches in communication norms to discredit and questions the credibility and accuracy of the testimony of Pw3

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### **Conclusion**

The study has analysed the leveraging dynamics of how defence lawyers use Cooperative Principle to increase their capacity to clear defendants and undermine the testimony of the prosecution witnesses. Significantly, the adherence to communication maxims is found to be crucial in providing reliable information to the court. The instant the jury hears an answer with a second suggested message, their eyes are opened to numerous possible interpretations. However, when the witnesses flout and violate maxims, they become inconsistent in their responses, overlapped maxim also helps the defence counsel to weaken the testimonies, accuracy and reliability of the information presented to the court by prosecution witnesses. The study therefore concludes that Cooperative Principle serves as an effective tool employed by the defence counsel to validate their case, discredit the prosecution witnesses with the aim of exonerating the defendants.

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## APPENDIX I

### Court transcript

#### Suit number- MI/20C/2022 Between

#### Commissioner of police vs Sunday Orimilade

**Prosecution:** inspector Toromagbe for prosecution.

**Defence counsel:** Busola Aderogba, my lord I appear for the defendant.

**Prosecution:** My lord the accused is facing a one count of rape and the matter is slated for hearing today and we are ready. we have 4 witnesses by the permission of the court i will call out their names

**PW1.** Sukura Favour

**PW2.** Modinat Favour

**PW3.** Segun Alfa

**PW4. I** NSP. Shade Aderibigbe.

My Lord , they are all here present and subject to the convenience of my Lord, are ready to proceed.

**Defence Counsel (DC):** My Lord we are ready .

**Prosecution Counsel(PC):** Sukura Favour, my Lord that is PW1

#### Sukura favour is sworn on the holy Quran and elects English Language

**DC:** Witness, how old are you?

**PW1:** I am twenty-five years old

**DC :** ↑What is the level of your education?

**PW1:** I went to school, I am a school certificate holder

- DC: You stay alone, don't you?
- PW1: Yes
- DC: You later called the defendant on your own to tell him you will attend of which you did and infact there was a get together truly
- PW1: Yes
- DC: Are you telling this court that everyone you met there left the party at the same time?
- PW1: Yes, erm ... I mean, no, everyone did not leave at the same time some persons were still outside because music had being stopped and clearing was been done
- DC: So some persons were still around when the act happened? yes or no?
- PW1: Yes but outside
- DC: So some persons were still around when the act happened? yes or no?
- PW1: Yes
- DC: And you did not scream for help?
- PW1: I wanted...
- DC: At least there was no music and the defendant did not arm himself
- PW1: I was shocked, I could not do anything than to comply
- DC: Did you visit any hospital?
- PW1: No
- My Lord The second witness is Modinat Favour***
- DC: Witness, you gave evidence now that you do not know the defendant
- PW2: Yes
- DC: Neither do you know where he lives?
- PW2: Yes

- DC: You got to know about the purported rape, when pw1 told you?
- PW2: Yes
- DC: You were not there when the purported rape happened, were you?
- PW2: Yes. But pw1 told me that the defendant promised her money~ for abortion but never gave her the money
- DC: calls for statement of PW2 (Modinat Favour)
- DC: You can read and write, can't you.
- PW2: Yes, I wrote my statement myself
- DC: Read loud the portion where you stated that pw1 told you that the defendant promised to give her money to abort?
- PW2: It is not there but that's what she told me°

## **APPENDIX II**

### **SUIT NUMBER - MI/46C/2022 BETWEEN**

### **COMMISSIONER OF POLICE VERSUS SEGUN ILORI**

**Prosecution Counsel:** INSPECTOR BOLA ADEDAPO

**Defence Counsel:** KUNLE ADEFEMI

**Prosecution Counsel:** The accused is facing a case of defamation of character for sexual harassment, molestation and bribery and the matter is slated for hearing today and we are ready, we have two witnesses, by the permission of the court I will call out their names

PW1: Engineer Stephen Oludare

PW2: Kazeem Ibunkun for defence counsel

PW3: Alhaji Olusola Adegoke for prosecution counsel

**My Lord, they are all present today and subject to the convenience of my Lord, we are ready to proceed**

**Defence Counsel (DC):** My Lord We Are Ready.

**Prosecution Counsel(PC):** Stephen Oludare, my lord that is PW1.

**My Lord the witness is engineer Stephen Dare (PW1)****(Kazeem Ibunkun is sworn on Holy Bible and elects English Language)**

- DC: You have told this court that you are a lecturer ?
- PW1: yes
- DC: How many courses do you teach?
- PW1: I teach many courses
- DC: You also know Badewa Isola
- PW1: Badewa Isola, a student too? That is ridiculous. no I don't
- DC: As a lecturer you have an office. Don't you?
- PW1: Two lecturers occupy one office
- DC: The voice conversation just played was the conversation between your student in your office and you in your home
- PW1: That wasn't my voice
- DC: My lord, that is all for the witness

**Alhaji Olusola Adegoke for prosecution counsel is sworn on the holy Quran and elects English Language**

- DC- Witness, how old are you?
- PW3: Fifty years
- DC: Witness, take a very good look at PW1, do you know him
- PW3: Yes I do
- DC: Which means you must have had an encounter with him
- PW3: Well not...directly
- DC: So you are saying that you have never had any encounter with him
- PW3: Like I said, I have ... met him indirectly
- DC: How?
- PW3: I have heard many good report about him
- DC: In other words, you are here based on speculation

PC: Objection my lord, leading question  
JUDGE: Objection Overruled, PW3, please answer  
PW3: I have not met him before, I have only heard about him  
DC: What is your relationship with PW1?  
PW3: pause I said I had no physical contact with him  
DC: You are not his colleague?  
PW3: no  
DC: Nor his relative, yes or no?  
PW3: No  
DC: In other words, you don't know him at all  
PW3: ...No  
DC: So, WHY are you here?  
PW3: because I was told my testimony was important  
DC: My lord, that is all for this witness

### APPENDIX III

Suit No: I/123C/2022

Commissioner of Police VS Adamu Oroji

PC - My Lord this is a two count charge of conspiracy and kidnapping

My Lord we have three witnesses and subject to my Lord's convenience, we are ready for the hearing

**PW1. Rasaan Olayiwola**

**PW2. Durojaye Abraham**

**PW3. Lasun Maje**

**PW4. Insp. Ola Oluwakemi**

CHARGE SHEET IS READY TO THE DEFENDANT WHO  
PLEADED NOT GUILTY.

Prosecution Counsel: My Lord this is a two count charge of conspiracy  
and kidnapping.

**My Lord we have witnesses that are subject to my Lord's convenience,  
we are ready for the hearing.**

DC: Witness, you gave evidence that even before the

bus was pulled over, you were all facing down even till when you were led to the hide out. didn't you?

PW1:

Yes

DC:

You also gave evidence that you cannot identify the face of any of the bandits but that one of them is light skinned, don't you?

PW1:

I identify the defendant because I saw him

DC:

Witness! by your evidence in the court this morning and exhibit a1 which was taken when the incident was fresh, you said you can't identify but that one of the bandit is light skinned, didn't you?

PW1:

I didn't Erm...

PC:

Objection my lord, leading question by the defence counsel

JUDGE:

Objection over ruled, please continue

DC:

by your evidence in the court this morning and exhibit a1 which was taken when the incident was fresh, you said you CANNOT identify but that one of the bandit is light skinned.

*(The witness is given exhibit A1 ti read outlines "18-22")*

DC -

Witness I put it to you that you are here to mislead this honourable court as you cannot and did not identify the defendant

PW1 :

That is not true.

DC :

I rest my case my Lord.

DC :

So witness, you never saw the defendant at the scene of the crime. Did you?

PW2 :

No, there was no way I could have because we were all told to face down.

DC :

Meaning your identification of the defendant is based on what PW1 told you

PW2 :

Yes

DC : My lord that will be all for the witness.

## APPENDIX IV

### C.O. PVS Umaru Sandra

#### Suit no – MI/13C/2023

PC: My Lord this is a lone count charge of armed robbery and it is slated for hearing today. My Lord I have 4 witnesses to call, with the kind permission pf my Lord , may I call them.

**PW1. Sola Makinwa**

**PW2. Funmi Sodeinde**

**PW3. Bimpe Sidipe**

**PW4. Lawal Rasheed (IPO)**

DC: My Lord we are equally ready for hearing (Charge is read to the defendant and he equally pleaded not guilty)

DC: Witness, you said you had a close look at the defendant while you were talking to him

PW1 : Yes I did

DC : So are you telling this court you anticipated that the defendant was going to rob you?

PW1 : No, what I am saying is that\_in the process of talking we were looking at ourselves erm erm, and of course when next I see him, I will identify him not that I anticipated any robbery

DC : Are you telling this court that for the few minutes you claim the defendant spent in your shop, you were able to identify him?

PW1 : He didn't spent few minutes, he spent nothing less than thirty minutes when he was choosing, he went out came back and spent almost um um, like ,ten minutes before he struck. Er er, as you are talking to me now, tomorrow\_I will identify you without any trouble



# HIGH COURT OF JUSTICE

MOSHOOD ABIOLA WAY, IBADAN-OYO STATE OF NIGERIA



**Office Of The Chief Registrar**

**P.M.B. 5031 | oyostatejudiciaryhc@yahoo.com**

*All communication should be addressed to the Chief Registrar quoting:*

Our Ref: \_\_\_\_\_ Your Ref: \_\_\_\_\_ Date: 23<sup>rd</sup> May, 2024  
 CROY/1034/VOL. VI/63

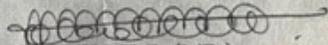
Head of Department,  
 Department of English Language,  
 University of Ibadan,  
 Ibadan.

**CONFIRMATION OF DATA COLLECTION**  
**BY AYOBAMI A. L.**

I am directed to refer to the above and confirm that one Ayobami Anuoluwapo Lawal a student of Department of English with Matriculation NO. 232828 was in High Court of Justice for Data collection as part of requirement for her research work.

Please accord her further necessary consideration.

Thank you

  
**OLADEJO T. B. (MR.)**  
 For: Chief Registrar

