

Negotiated Justice: A Closer Look At The Implications Of Plea Bargains



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A SYNOPSIS APPRAISAL OF THE PRACTICE AND PROCEDURE FOR PLEA BARGAINING UNDER THE ADMINISTRATION OF CRIMINAL JUSTICE ACT 2015

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ABSTRACT

The practice of plea bargaining is widely applied but only recently became pronounced in Nigeria. There was understandably a misunderstanding of the concept and misgivings about its application. Subsequently, in 2015 the Administration of Criminal Justice Act was passed and incorporated the doctrine of plea bargaining as one of its innovative provisions. It then becomes necessary to critique the legislation as it concerns plea bargaining. This article closely considered the provisions of the Act on plea bargaining, sometimes bench-marking with the practice in other jurisdictions and offering perspectives that might well guide key operators in the administration of criminal justice sector.

Keywords: Plea Bargaining, Criminal Justice, Nigeria

1. INTRODUCTION

On May 26th 2015 the former Attorney-General and Minister for Justice, Mohammed Adoke (SAN) made a public presentation of the Administration of Criminal Justice Act 2015 (hereinafter simply referred to as 'the ACJA'). The Act was signed into law by the former President Dr. Goodluck Jonathan on May 14, 2015. Widespread acclaim followed the coming into effect of the Act which had a chequered history in the National Assembly, spanning several years. Some of the innovative provisions in the ACJA include the provisions on plea bargaining in section 270 of the Act.¹

Before the coming into being of the ACJA, there has been a relentless and animated debate as to the desirability or otherwise of the use of Plea bargaining in Nigeria's criminal administrative system. There was widespread condemnation of the adoption of the plea bargaining process in some high profile prosecutions by the Economic and Financial Crimes Commission ('the EFCC'), leading to the insinuation that it was programmed to favour the elite to keep their loot, provided they will be willing to part with some of the loot, with the only punishment being, usually a sentence of a fine or some few months of imprisonment, a slap on

¹ See, May Aghamuche-Mbu, 'The Act, the Plea Bargain, the Administration of Criminal Justice 2015', *THISDAYLIVE*, Wednesday 16 September, 2015 <<http://www.thisdaylive.com/articles/the-act-the-plea-bargain-the-administration-of-criminal-justice-2015/220218/>> accessed 16 September, 2015.

Negotiated Justice: A Closer Look at the Implications of Plea Bargains Justice, - Plea bargaining - 22 pages QR code for Negotiated Justice.1 in All > Book Editions for Negotiated Justice A Closer Look At The Implications Of Plea Bargains. Books Negotiated Justice: A Closer Look at the.cerning the effects of plea bargaining on the criminal justice system, debate search FUND. I wish to criminal cases were disposed of without trial after negotiation .. and "his" prosecutor in Hampton County often developed close working.This inability is primarily due to the hidden nature of plea bargaining in Victoria Negotiated Justice: A Closer Look at the Implications of Plea Bargains () .Negotiated justice: a closer look at the implications of plea bargains. Book.To this end, approaches to plea bargaining more commonly applied in the United Since Baldwin and McConville's ground-breaking study Negotiated Justice in This in itself demonstrates the need for a closer analysis of the nature of the . This may seem a rational choice, and if the defendant is indeed factually.whether justice that is negotiated is commensurate with fundamental democratic legal Negotiated Justice: A Closer Look at the Implications of Plea Bargains.The traditional and popular view of criminal sentencing as delivering retributive Negotiated Justice: A Closer Look at the Implications of Plea Bargains.Oxford (cited as: ASht'OI'I/t) Plea, Venue and Discontinuance, [] Criminal Law Review Negotiated justice. A closer look at the implications of plea bargains, published by JUSTICE, London (cited as' ('oli'in, Negotiated.A. W. Alschuler, 'Plea bargaining and its history' [] CoLLR 1; A. Ashworth, The); 'Negotiated justice: a closer look at the implications of plea bargains'.However, the Justice report, Negotiated Justice, argues it could lead to A closer look at the implications of plea bargaining; Justice; 95a.Plea bargaining essentially involves a private negotiation between the tool in saving court time and costs, but closer scrutiny needs to be.A Close Look at Plea Bargaining in the Administration of Criminal Justice Act, Justice Act, passed by the National Assembly, came into effect on even if the State lets go of its pound of flesh in favour of negotiating.

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