

IN THE FEDERAL HIGH COURT
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA

CHARGE NO: **FHC/201/C/2026**

BETWEEN

THE STATE.....COMPLAINANT

AND

MUSA EMEKA AYO.....DEFENDANT

DEFENCE’S CLOSING ADDRESS

1.0. INTRODUCTION

1.1. Your Lordship, at the close of both the Prosecution’s and the Defendant’s case, the Defendant respectfully submits that the Prosecution has failed to establish, beyond reasonable doubt, the offences with which the Defendant is charged and relies on the evidence adduced along with the legal arguments put forth below in firm support of its position.

2.0. STATEMENT OF FACTS

- 2.1. The Defendant, Ms. Aisha Ngozi Kemi, is a high-profile cybersecurity expert in the employ of AJOBOY systems – I.T. systems engineers and service providers to Rhapsody Bank (the bank).
- 2.2. In January 2025, she discovered a critical “backdoor” in the digital vault of the bank, which could allow anyone to alter the Social Security Number (SSN) linked to bank accounts.
- 2.3. Instead of immediately reporting to her employers Aisha:
- 2.3.1. Accessed the bank’s mainframe to demonstrate its vulnerability, accidentally downloading the Know Your Customer (KYC) data of 5,000 high-net-worth individuals.

- 2.3.2. Sent an anonymous email to the Bank CEO demanding a “consultancy fee” of N50 Million to disclose the location of the “backdoor” and delete the downloaded data.
- 2.4. The bank promptly alerted the Department of National Security and Aisha was arrested. Investigators subsequently found in her apartment N200 Million in cash and three Bitcoin hardware wallets, despite her having no record of formal employment for three years.
- 2.5. The State charged her under Section 6 & 24 of the Cybercrimes Act (as amended in 2024) for unauthorized access and cyberstalking/extortion. The State also filed an ex parte application under Section 9 of the Proceeds of Crime (Recovery and Management) Act 2022 for a Preservation Order on her apartment and the N200 Million, on the grounds that they amounted to “unexplained wealth” and likely “proceeds of unlawful activity.”
- 2.6. Upon conclusion of trial, the Prosecution now brings this closing address before Your Lordship.

3.0. OFFENCES ALLEGED

- 3.1. Unauthorized access of a computer system under Section 6 of the Cybercrimes (Prohibition, Prevention, Etc.) Act 2015 as amended.
- 3.2. Extortion and cyberstalking under Section 24 of the Cybercrimes (Prohibition, Prevention, Etc.) Act 2015 as amended.

4.0. ISSUES FOR DETERMINATION

- 4.1. The Defendant hereby formulates the following issues for determination by your Lordship:
 - 4.1.1. Whether mens rea is present where a professional in the course of her duty to troubleshoot potential problems, accidentally accessed and downloaded sensitive data like KYC data?
 - 4.1.2. Whether the anonymous demand for a “consultancy fee” in exchange for disclosing a security flaw is established by mere fact that Aisha is living a lifestyle in excess of legitimate income and whether the demand even if traced to Aisha constitutes the offence of Cyberstalking or Extortion under Section 24 of the amended Cybercrimes Act?
 - 4.1.3. Whether a Preservation Order can be validly maintained over the Defendant’s assets under Section 9 of the Proceeds of Crime (Recovery and Management) Act 2022, on the basis of ‘unexplained wealth,’ before the underlying criminal charges of cybercrime have been proven?

5.0. LEGAL ARGUMENTS

5.1. WHETHER MENS REA IS PRESENT WHERE A PROFESSIONAL IN THE COURSE OF HER DUTY TO TROUBLESHOOT POTENTIAL PROBLEMS, ACCIDENTALLY ACCESSED AND DOWNLOADED SENSITIVE DATA LIKE KYC DATA?

- 5.1.1. On this issue, the Defendant submits without equivocation that Ms. Aisha Ngozi Kemi, did not possess the requisite mens rea for the offence of unauthorized access under Section 6 of the Cybercrimes (Prohibition, Prevention) Act, 2015 (as amended) as her actions were those of a cybersecurity professional acting in the course of her duty; any access or incidental download occurred without fraudulent purpose and without the intentional criminal state of mind required by law.
- 5.1.2. Your Lordship, our submission is premised on the cardinal principle of criminal law that for an accused person to be convicted of any criminal offence, the prosecution must prove both the actus reus (the guilty act) and the mens rea (the guilty mind) beyond reasonable doubt. This principle is firmly rooted in our criminal jurisprudence. In *Oyeyemi v. The State*,¹ the Supreme Court held that the prosecution must establish every essential ingredient of the offence, including the mental element, before a conviction can be sustained.
- 5.1.3. Section 6 of the Cybercrimes (Prevention and Prohibitions) Act 2015 as amended in 2024 requires that the access be "intentional" and "for fraudulent purposes." Your Lordship, these are two distinct mental elements: (a) the access must be intentional (as opposed to accidental); and (b) the purpose must be fraudulent (as opposed to legitimate).
- 5.1.4. The Defendant submits that the word "intentional" in criminal statutes must be distinguished from "voluntary" or "deliberate." In the context of computer misuse offences, "intentional" requires that the accused specifically intended to access the system for an unlawful purpose. In *IGP v. Bolanle Aseyan*,² the Federal High Court, Lagos Division, discharged and acquitted the defendant on charges under the Cybercrimes Act because, while the prosecution had

¹ *Oyeyemi v. The State* (2023) 7 NWLR (Pt. 1882) 181

² *IGP v. Bolanle Aseyan* (2025) FHC/L/2025

proved the actus reus (the criminal act), it failed to establish the mens rea (criminal intent) beyond reasonable doubt. The court held that where the mental element is not proved, the accused must be discharged, even if the physical act is established.

- 5.1.5. Your Lordship, the Defendant's access was not intentional in the criminal sense. She was a cybersecurity expert employed precisely to identify and troubleshoot vulnerabilities in computer systems. Her access to the bank's mainframe was therefore within her professional mandate, as an employee of AJOBOY systems, she was tasked with ensuring the security of the bank's systems, she also accessed the system solely to demonstrate its vulnerability, which is a core function of her role, therefore there is nothing that suggests that she accessed the system with the intention of stealing data or committing fraud. The download occurred as part of the demonstration process.
- 5.1.6. The Defendant's explanation that she "accidentally" downloaded the KYC data while demonstrating the vulnerability is entirely plausible and consistent with the realities of cybersecurity work. It becomes pertinent to note that when a cybersecurity professional demonstrates a vulnerability, they must show that the vulnerability exists and what its potential consequences are. This often involves accessing and displaying data to prove that the system is compromised.
- 5.1.7. Your Lordship, the Defendant discovered a "critical backdoor" that allowed anyone to alter Social Security Numbers linked to bank accounts. In demonstrating this vulnerability, she would necessarily have to show that she could access sensitive data. The download of 5,000 records may have been an unintended consequence of the demonstration process a logging feature, a system error, or an overzealous demonstration that went further than intended.
- 5.1.8. Unlike a true cybercriminal, the Defendant did not attempt to hide her tracks or cover up her access. She sent an email (albeit anonymous) to the Bank CEO to disclose the vulnerability. This is not the conduct of someone with a guilty mind; it is the conduct of a professional who discovered a problem and sought to bring it to the attention of those who could fix it.

- 5.1.9. Your Lordship, in **Abokokuyanro v. The State**,³ the Supreme Court held that where an accused person offers an explanation that is reasonably possible, and the prosecution fails to disprove that explanation, the accused is entitled to the benefit of the doubt. The Defendant's explanation that the download was incidental to her professional duties is reasonably possible and has not been disproven by the prosecution.
- 5.1.10. In **Eseu v. People of Lagos State**,⁴ the Supreme Court of Nigeria reaffirmed the hallowed principle that in criminal trials, any doubt as to the commission of a crime by an accused person must be resolved in favour of the accused. The Court held:
- “Where there is doubt as to the commission of a crime by an accused person, the doubt must be resolved in favor of the accused. In the instant case, the doubt as to conspiracy to commit armed robbery and armed robbery by the appellant could not be used for his oppression and despondence but for his favour.”*
- 5.1.11. The prosecution seeks to use the Defendant's subsequent demand for a "consultancy fee" as evidence of her intent at the time of access. We submit that this is a logical fallacy. The mens rea must exist at the time of the act, in this case, at the time of accessing the system. In **Adekunle v. The State**,⁵ the Supreme Court held that while subsequent conduct may be relevant to intent, it cannot retroactively create intent that did not exist at the time of the act. The Court stated: "The state of mind of an accused person at the time of committing an offence must be determined as at that time, not by reference to events that occurred afterwards, however suspicious those events may be."
- 5.1.12. Your Lordship, even if the Defendant's subsequent demand for payment was improper (which we do not concede), that does not mean that her initial access was intentional or fraudulent. The chronology is critical:
- 1. First, she discovered the vulnerability;*

³ *Abokokuyanro v. The State* (2016) LPELR-40583 (SC)

⁴ *Eseu v. People of Lagos State* (2024) 11 N.W.L.R. (Pt. 1948) 95

⁵ *Adekunle v. The State* (1989) 12 N.W.L.R. (Pt. 403) 415

2. *Second, she accessed the system to demonstrate it (legitimate professional conduct);*
3. *Third, she downloaded data (incidental to the demonstration);*
4. *Fourth, she considered the value of what she had found and demanded payment (subsequent conduct).*

- 5.1.13. The prosecution asks this Honourable Court to reason backwards because she later demanded payment, her initial access must have been with fraudulent intent. This is not permissible under our law. The intent must be proved as at the time of access, and the prosecution has adduced no evidence that the Defendant accessed the system with the intention of demanding payment.
- 5.1.14. Your Lordship, Section 6 of the Act specifically requires that the access be "for fraudulent purposes." The prosecution has not established what fraudulent purpose the Defendant had at the time of access. The term "fraudulent" in criminal law imports an element of dishonesty and an intention to deprive or deceive. In **Ajiboye v. The State**,⁶ the Court of Appeal defined fraud as "*the intentional distortion of the truth for the purpose of inducing another to part with some valuable thing or to surrender a legal right.*"
- 5.1.15. The access was purely for the purpose of demonstrating a vulnerability which was a legitimate professional objective. The fact that she later, upon reflection, decided to seek compensation for her discovery does not mean that her initial access was fraudulent. The two are separate and distinct.
- 5.1.16. Section 36(5) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) provides that every person charged with a criminal offence shall be presumed innocent until proved guilty. This presumption places the burden of proof squarely on the prosecution throughout the trial. Thus in **Ayodeji v. State of Ekiti**,⁷ the Court of Appeal held that "the constitutional provision on the presumption of innocence of an accused person is sacrosanct and settled." The Court further held that this presumption "*places a heavy burden on the prosecution to rebut that presumption before they can secure a conviction.*"

⁶ Ajiboye v. The State (1995) 8 N.W.L.R. (Pt. 414) 408

⁷ Ayodeji v. State of Ekiti (2020) LPELR-14890(CA)

- 5.1.17. The prosecution has wholly failed to discharge this burden. They have presented a case built on inference and speculation, inferring intent from subsequent conduct and speculating about the Defendant's state of mind at the time of access. This falls far short of the proof beyond reasonable doubt required by law.
- 5.1.18. It is therefore based on the strength of the foregoing arguments that the Defendant urges this Honourable Court to resolve this issue in its favour.
- 5.1.19. It is so submitted.
- 5.2. **WHETHER THE ANONYMOUS DEMAND FOR A “CONSULTANCY FEE” IN EXCHANGE FOR DISCLOSING A SECURITY FLAW IS ESTABLISHED BY MERE FACT THAT AISHA IS LIVING A LIFESTYLE IN EXCESS OF LEGITIMATE INCOME AND WHETHER THE DEMAND EVEN IF TRACED TO AISHA CONSTITUTES THE OFFENCE OF CYBERSTALKING OR EXTORTION UNDER SECTION 24 OF THE AMENDED CYBERCRIMES ACT?**
- 5.2.1. On the second issue, the Defendant submits without equivocation that Aisha’s alleged living of a lifestyle considered inconsistent with her legitimate income cannot sufficiently link her to the anonymous demand for a “consultancy fee” made to the CEO of Rhapsody Bank. The Defendant further submits that even assuming, arguendo, that the anonymous demand was traced back to Aisha, such a demand would not constitute the offence of cyberstalking or extortion under Section 24 of the Cybercrimes (Prohibition, Prevention, Etc.) Act 2015 as amended.
- 5.2.2. The Defendant premises its submission on the foundational principle of law, same being affirmed by the Courts, that the Court does not deal with mere speculations or suspicions. In *Obiakor v. State*,⁸ the Supreme Court stated this principle concisely when it noted thus: ***“Suspicion, however, strong, cannot constitute a crime or ground a conviction”***.
- 5.2.3. Similarly, in *Anyanwu v. State*,⁹ the Court of Appeal, ruling on whether an accused can be convicted on mere suspicion, held thus:

⁸ Obiakor v. State (2002) 10 NWLR (PT. 776) 612

⁹ Anyanwu v. State (2012) 16 NWLR (Pt. 1326) 221

“A person cannot be convicted on mere suspicion, which is the act of suspecting or imagining of something without evidence, or slander or precarious evidence..Such evidence is unsafe, risky and uncertain as it is based on chance or speculation. To base a conviction on such evidence will not accord with the presumption of innocence guaranteed a person accused of having committed an offence under section 36(5) of the 1999 Constitution (as amended)... ” (Underlined and emboldened for emphasis).¹⁰

- 5.2.4. On the heels of the foregoing authorities, we posit that the mere fact that the Defendant is living a lifestyle, probably above what the State expects a person of her level to live, is not conclusive proof, neither does it amount to sufficient evidence against the Defendant on the charge of extortion.
- 5.2.5. Having established that the Prosecution has failed to show how the expensive lifestyle of the Defendant points to the offence of extortion, the question that behooves this Court is whether, assuming *arguendo* that the anonymous demand is traced to Aisha, the mere act of requesting money to reveal a security vulnerability can amount to extortion or cyberstalking under the Cybercrimes Act?
- 5.2.6. It is the vehement and unequivocal submission of the Defence Counsel that assuming, *arguendo*, the anonymous demand is traced to the Defendant, it does not fall within the ambits of extortion or cyberstalking, as contemplated under Section 24 of the Cybercrimes Act. For clarity and contextual analysis, the provisions of Section 24, particularly Subsection (2)[b] of the Act, are reproduced below:

“(2) - a person who knowingly or intentionally transmits or causes the transmission of any communication through a computer system or network – [b] – containing any threat to kidnap a person or any threat to harm the person of another, any demand or request for a ransom for the release of any kidnapped person, to extort from any person, firm, association or corporation, any money or other thing of value...”

¹⁰ See also: ONAGORUWA v. STATE (1993) 7 NWLR (PT. 303) 49; C. O. P. v. UDE (2013) 12 NWLR (PT. 1260) 189.

- 5.2.7. Fully appreciating the intent and purpose of the aforementioned provision, it is pertinent to understand the elements that constitute the offences of cyberstalking and extortion, under the Act. While there is no explicit statutory definition of the word “extortion”, the Black’s Law Dictionary, 7th Edition, p. 605, defines the term thus: “*the act or practice of obtaining something or compelling some action by illegal means, as by force or coercion.*”
- 5.2.8. The above definition is clear and unambiguous, and from the above, we can safely distill the elements that make up the offence of extortion. Viz: intention to commit the act, threat of future injury and a dishonest inducement of the victim to relinquish property (most often, money). Basing our next line of argument on the above, the Defendant contends that proof of all three elements has not been made by the Prosecution and as such, the Defendant cannot be said to have committed the offence of extortion.
- 5.2.9. Firstly, there was no intent on the part of the Defendant to commit the act of extortion. Merely asking the Bank CEO to send in a certain amount in order for her to disclose the backdoor detected, can be seen as a security, or even more sincerely, a fee for her professional services. It does not, in any way, prove intent to extort from the CEO. Secondly, there is no proof of any threat made to the Bank CEO by the Defendant. In **Borishade v. F. R. N.**,¹¹ the Court held that the word, threat, “includes oppression. It is not limited to physical threat using a gun. And oppression saps a reasonable man’s freewill.”¹²
- 5.2.10. Capitalising on the definition given by the Court, we contend that the alleged demand made by the Defendant does not amount to extortion, as it was neither a form of oppression nor was it capable of sapping a reasonable man’s freewill. The defendant never, explicitly or impliedly, made a threat or appeared to threaten the CEO into giving her anything. Assuming the anonymous demand is traced to her, there can be no evidence of threat, either of the present or in the future.
- 5.2.11. Lastly, to show the element of dishonest inducement of the victim, it flows that there must have been some form oppression that lured the victim into

¹¹ BORISHADE v. F. R. N. (2012) 18 NWLR (PT. 1332) 347

¹² BORISHADE v. F. R. N. (supra), p. 416, para. E

relinquishing his property, failure of which, the victim's response, if any, does not fall within a dishonest inducement. From the facts before this honourable Court, the Bank CEO was neither induced nor did he comply with the anonymous demand. Thus, proof of this element by the adverse party, failing, ultimately, takes to the grave the charge of extortion against the Defendant.

5.2.12. Before drawing the curtains on this issue, we submit, with respect to cyberstalking that the Defendant is, equally, not liable for the offence as the vital element of repeated disturbance and infringement on the rights of the victim have not been proven.

5.2.13. The Defence, hereby, rests on the above and submits, in line with all authorities cited and arguments canvassed, that the Prosecution has failed, woefully, to establish a case of extortion or cyberstalking against the Defendant under *Section 24 of the Cybercrimes Act*, and prays this Honourable Court to rule same in its favour.

5.3. **WHETHER THE PRESERVATION ORDER CAN BE VALIDLY MAINTAINED OVER THE DEFENDANT'S ASSETS UNDER SECTION 9 OF THE PROCEEDS OF CRIME (RECOVERY AND MANAGEMENT) ACT 2022, ON THE BASIS OF 'UNEXPLAINED WEALTH,' BEFORE THE UNDERLYING CRIMINAL CHARGES OF CYBERCRIME HAVE BEEN PROVEN?**

5.3.1. On this final issue, it is the Defendant's humble yet fervent submission that a preservation order under Section 9 of the Proceeds of Crime (Recovery and Management) Act 2022 cannot be validly maintained over the Defendant's assets given the circumstances of the present case.

5.3.2. The Defendant premises its submission on the fact that:

- A. The facts of the present case do not fulfill the requirements for the making of an order pursuant to Section 9, POCRMA; and
- B. Even assuming *arguendo* it did, Section 9 constitutes a form of punishment before conviction and thus violates the Defendant's right to fair hearing.

5.3.3. Both limbs of this argument shall be addressed *seriatim*.

A. The facts of the present case do not fulfill the requirements for the making of an order pursuant to Section 9, POCRMA

5.3.4. Pursuant to Section 9(1) of the Proceeds of Crime (Recovery and Management) Act 2022, "*a preservation order shall be granted by the Court*

to preserve property **reasonably suspected** to have been derived from unlawful activities and represents instrumentality of unlawful activity or unclaimed property.” (Underlined and emboldened for emphasis).

5.3.5. Subsection 2 of Section 9 goes further to outline three disjunctive conditions within which a preservation order can be validly granted:

- i. Where there are reasonable grounds to believe it represents the proceeds of unlawful activity; or
- ii. Where there are reasonable grounds to believe it is involved in the facilitation of unlawful activity; or
- iii. Where there are reasonable grounds to believe it is intended to be used to facilitate unlawful activity.

5.3.6. A careful examination of the provisions of both Section 9(1) and Section 9(3) of the Act would reveal that a consistent theme underpinning the entirety of the provision is that the Prosecution bears the burden of establishing that “reasonable grounds” exist to believe the assets of the Defendant are either proceeds of unlawful activity, involved in the facilitation of unlawful activity, or intended to be used to facilitate unlawful activity. The Prosecution must establish a reasonable suspicion of criminal conduct.

5.3.7. The term “reasonable suspicion” was defined by the Supreme Court in ***Olakehinde v. E.F.C.C.***¹³ as being “a particularized and objective basis, supported by specific and articulable facts, for suspecting a person of criminal activity.” Thus, it is not enough that the Prosecution subjectively suspects wrongdoing, there must be specific and articulable facts giving rise to an objective suspicion that the Defendant is engaged in criminal conduct. In other words, a reasonable man given the same set of facts should naturally conclude that the Defendant was likely engaged in criminal activity. Also see ***SCC (Nig.) Ltd. v. George.***¹⁴

5.3.8. The question that thus behooves this Court is straightforward. From the evidence presented, can it be said that there exists a particularized and objective basis, supported by specific and articulable facts, for suspecting the

¹³ *Olakehinde v. E.F.C.C.* (2025) 17 NWLR (Pt. 2014) 241 (P. 278, paras. G-H)

¹⁴ *SCC (Nig.) Ltd. v. George* (2024) 18 NWLR (Pt. 1971) 421

Defendant of criminal activity? Are there reasonable grounds to believe that the 200 million Naira cash and bitcoin hardware wallets found in the Defendant's home constitute the proceeds of criminal conduct?

- 5.3.9.** The Defendant answers this question firmly in the negative. Besides mere speculation and suspicion, the Prosecution has provided little factual basis supporting its application for a seizure of the Defendant's hard-earned assets aside the flimsy excuse that such assets appear to be "in excess" of the Defendant's verifiable income.
- 5.3.10.** Your Lordship, it must be noted that the Defendant is not an average cybersecurity professional. As is noted in para 2.1 of the Statement of Facts, Ms. Aisha is a "high profile" cybersecurity "expert". As an expert in a highly lucrative field, Ms. Aisha commandeers incredibly high rates for her services. It must also be noted that the cybersecurity field is different from traditional professions like medicine or engineering where professionals depend primarily on salaried employment to make a living.
- 5.3.11.** It is a notorious fact of common knowledge that big technology companies offer bounty programs wherein cybersecurity professionals are invited to test the security of enterprise systems, reveal critical vulnerabilities, and proffer practical solutions. These bug bounty programs are highly lucrative with companies paying millions of dollars to secure their servers and systems.¹⁵
- 5.3.12.** As an accomplished professional, Ms. Aisha participated in these programs and had significant success, which netted her recognition, fame, and financial compensation during a time when she was technically out of salaried employment. This fact further explains the finding of bitcoin hardware wallets in her home. As it is a fact that international payments are notoriously difficult to get across to Nigeria through the traditional financial system, the Defendant leveraged cryptocurrencies like Bitcoin to get paid for her services. As there is no law criminalizing the receipt of payments in alternative currencies currently in force in Nigeria, the Defendant cannot be construed as having engaged in any criminal conduct.

¹⁵ See Brianna Monsanto and IT Brew, 'Tech giants like Netflix and Apple are shelling out millions to "bug bounty hunters" who hack into their software systems' (Fortune, 16 January 2025) <https://fortune.com/2025/01/16/tech-giants-paying-millions-to-bug-bounty-hunters-ethical-hacker> accessed 24 March 2026

B. Even assuming arguendo it did, Section 9 constitutes a form of punishment before conviction and thus violates the Defendant's right to fair hearing

- 5.3.13. On this limb, the Defendant submits that even assuming the requirements for a valid preservation order to be made under Section 9 existed, Section 9 itself constitutes a violation of the Defendant's right to be presumed innocent until proven guilty, punishment before conviction, and a violation of the Defendant's right to own property anywhere in Nigeria pursuant to Section 44 of the Constitution.
- 5.3.14. It is a fundamental principle underpinning this country's criminal jurisprudence that an accused person is presumed innocent until proven guilty. In the case of **Daudu v. F.R.N**,¹⁶ the Supreme Court referred to the constitutional presumption of innocence as a “*hallowed principle lying at the heart of criminal law*” (p. 193, para. B). This principle posits that the Prosecution bears the burden of establishing the guilt of the Defendant beyond reasonable doubt and that the Defendant remains innocent—and consequently, not subject to any punishment whatsoever—until the Prosecution is able to successfully discharge its burden.
- 5.3.15. By giving the State the power to strip an accused person of their property before a valid conviction by a Court of competent jurisdiction, the Section effectively puts in the hands of the State, the power to punish individuals on unsubstantiated suspicion and without due process. Relatedly, a seizure of the Defendant's property often means they are financially unable to mount a strong defence and hire a qualified legal practitioner of their choice due to financial constraints.
- 5.3.16. In **Olayioye v. Oyelaran**,¹⁷ the Supreme Court aptly noted that “*the right to fair hearing is not only a constitutional right; it is also a principle of law fundamental/pivotal to any adjudication.*” The apex Court went further to note that “*what is required of the court/tribunal/adjudicating body is to create the conditions necessary for a party to avail himself of the right of fair hearing.*” (Underlined and emboldened for emphasis).

¹⁶ Daudu v. F.R.N (2018) 10 NWLR (Pt. 1626) 169

¹⁷ Olayioye v. Oyelaran (2019) 4 NWLR (Pt. 1662) 351

- 5.3.17.** Thus, it is not enough that a party be afforded the opportunity to be heard in Court, the Court must ensure, particularly in the case of criminal trials, that the Defendant is given the flexibility and opportunity to mount a strong defence, obtaining the best counsel available within his financial means.
- 5.3.18.** Conclusively, as the provisions of Section 9 of the Proceeds of Crime (Recovery and Management) Act effectively allow the state punish a Defendant before the issuance of a valid conviction by a Court of competent jurisdiction, denies the Defendant his right to fair hearing, and deprives him of his right to own and control movable and immovable property anywhere in Nigeria pursuant to Section 44 of the Constitution, the Defendant submits that the provisions of Section 9 cannot be construed in any other way other than as being unconstitutional and prays this Court to thus declare the provision null, void, and of no legal effect.
- 5.3.19.** It is so submitted.

6.0. CONCLUSION

- 6.1.** It is based on the arguments canvassed above that the Defendant prays this Honourable Court to find the distilled issues in favour of the Defendant and regard the evidence tendered by the Prosecution as insufficient in establishing the offences alleged against the Defendant beyond reasonable doubt.

7.0. INDEX OF AUTHORITIES

7.1. Cases Cited

- 7.1.1.** Abokokuyanro v The State (2016) LPELR-40583(SC)
- 7.1.2.** Adekunle v The State (1989) 12 NWLR (Pt 403) 415
- 7.1.3.** Ajiboye v The State (1995) 8 NWLR (Pt 414) 408
- 7.1.4.** Anyanwu v The State (2012) 16 NWLR (Pt 1326) 221
- 7.1.5.** Ayodeji v State of Ekiti (2020) LPELR-14890(CA)
- 7.1.6.** Borishade v Federal Republic of Nigeria (2012) 18 NWLR (Pt 1332) 347
- 7.1.7.** C.O.P v Ude (2013) 12 NWLR (Pt 1260) 189
- 7.1.8.** Daudu v Federal Republic of Nigeria (2018) 10 NWLR (Pt 1626) 169
- 7.1.9.** Eseu v People of Lagos State (2024) 11 NWLR (Pt 1948) 95
- 7.1.10.** IGP v Bolanle Aseyan (2025) FHC/L/2025
- 7.1.11.** Obiakor v The State (2002) 10 NWLR (Pt 776) 612

- 7.1.12. Olakehinde v Economic and Financial Crimes Commission (2025) 17 NWLR (Pt 2014) 241
- 7.1.13. Olayioye v Oyelaran (2019) 4 NWLR (Pt 1662) 351
- 7.1.14. Onagoruwa v The State (1993) 7 NWLR (Pt 303) 49
- 7.1.15. Oyeyemi v The State (2023) 7 NWLR (Pt 1882) 181
- 7.1.16. SCC (Nig) Ltd v George (2024) 18 NWLR (Pt 1971) 421
- 7.2. Statutes Cited
 - 7.2.1. Constitution of the Federal Republic of Magaria 1999 (as amended)
 - 7.2.2. Cybercrimes (Prohibition, Prevention, Etc) Act
 - 7.2.3. Evidence Act
 - 7.2.4. Proceeds of Crime (Recovery and Management) Act
- 7.3. Books and Articles
 - 7.3.1. Black's Law Dictionary (7th edn)
 - 7.3.2. Brianna Monsanto and IT Brew, 'Tech giants like Netflix and Apple are shelling out millions to "bug bounty hunters" who hack into their software systems' (Fortune, 16 January 2025)

Dated this 23rd Day of March 2026.



A handwritten signature in dark ink, appearing to read 'E. K. Andem'.

E. K. ANDEM, ESQ.
E. U. FABIAN, ESQ.
DEFENDANT'S COUNSEL
(TEAM ACJAMC 112)

FOR SERVICE ON
The Prosecution