

# TITIOYE CHARLES & CO.

## JESUS THE KING OF ADVOCATES CHAMBERS

Barristers & Solicitors, Consultants in Private, Constitutional & Corporate Laws  
Our Ref TCI/46/2015

EMILIA OLARIMIKE SHOPPING COMPLEX  
SUITE 15, 16 & 17 1<sup>ST</sup> FLOOR,  
99B, NEW HOSPITAL ROAD,  
AKURE, ONDO STATE.  
TEL 08033738237

---

8<sup>th</sup> June 2015

The Inspector-General of Police  
Nigeria Police Force  
Louis Edet House,  
Abuja

Sir

**REQUEST FOR INVESTIGATION INTO A CASE OF CONSPIRACY,  
FRAUD AND UNLAWFUL SWEARING IN OF MR. AKINRUNTAN  
ABAYOMI AND MR. COKER ADENIYI MALACHI AS HONOURABLE  
MEMBER REPRESENTING ILAJE CONSTITUENCY I AND II BY THE  
CLERK AND SPEAKER OF THE ONDO STATE HOUSE OF ASSEMBLY**

We are the solicitors to Pastor Leke Akingboye and Honourable Gbenga Edema "Our Clients", who are the All Progressives Congress (APC) candidates for Ilaje constituencies I and II in the 11<sup>th</sup> April 2015, House of Assembly elections held by the Independent National Electoral Commission (INEC) and on whose instructions we write you this letter.

You would recall that on 13<sup>th</sup> April 2015, the Resident Electoral Commissioner (REC) of the Independent National Electoral Commission (INEC), Ondo State, Mr Segun Agbaje announced to the whole world that the House of Assembly elections in Ilaje Constituency I and II were fraught with irregularities, thuggery and ballot snatching ; the Returning officers for the two constituencies were harassed, intimidated and forced to make a return at gun point and as such he declared that the elections were inconclusive.

On 5<sup>th</sup> May 2015 when the Independent National Electoral Commission (INEC) gave out Certificates of Return to the House of Assembly members-elect from Ondo State, 24 members elect were given certificates leaving out the 2 members –elect from Ilaje constituency I and II. This was widely reported in the news media.

On 1<sup>st</sup> June 2015, the Clerk of Ondo State House of Assembly administered oath of office on Mr. Akinruntan Abayomi and Mr. Coker Adeniyi Malachi as Honourable members representing Ilaje Constituency I and II respectively, inspite of the obvious and notorious fact that they were not given Certificates of Returns as duly elected by INEC. Attached herewith and marked "**Annexure 1**" is a copy of the Votes and Proceedings of the Ondo State House of Assembly for 1<sup>st</sup> June, 2015.

We were further informed by our clients that for a member-elect to be sworn-in as a member of any Parliament in Nigeria whether at the National Assembly or State Houses of Assembly, the presentation of the Certificate of Return is a condition precedent and the function of ensuring its authenticity and full compliance with Electoral Act is vested in the clerk of the House of Assembly in question and the Ondo State House of Assembly is not an exception. Kindly see "**item 3**" of the votes and proceedings, that is, **Annexure 1**.

Based on the above facts our clients directed us to seek Clarification from INEC on whether the Certificates of Return for the two Ilaje State Constituencies have been given to Mr. Akinruntan Abayomi and Mr. Coker Adeniyi Malachi as at 4<sup>th</sup> June 2015. INEC replied our letter on the 5<sup>th</sup> of June stating categorically that no Certificate of Return was issued in respect of the said constituencies. Copy of the reply from the INEC is hereby attached and marked "**Annexure 2**"

It is instructive to note, that **Section 75 of the Electoral Act 2010 (as amended)** makes the issuance of a Certificate of Return mandatory to any person who has won an election in Nigeria before he/she could be sworn in to function in the office mentioned in the said Certificate of Return. Furthermore, **Section 99, constitution, Federal Republic of Nigeria, 1999 (as amended)** provides thus:

"Any person who sits or votes in a House of Assembly of a State knowing or having reasonable grounds for knowing that he is not entitled to do so shall be guilty of an offence and shall upon conviction be liable to a term of imprisonment....."

It is the position of our clients that Clerk of the Ondo State House of Assembly ought not to have caused Mr. Akinruntan Abayomi and Mr. Coker Adeniyi Malachi to be sworn in when they did not present Certificates of return to him on the 1<sup>st</sup> of June 2015.

It is worthy of note that one of our clients, Hon. Gbenga Edema had on 4<sup>th</sup> May 2015 petitioned your office to investigate this same Clerk and the Leadership of the Ondo State House of Assembly over their penchant for forgery and falsification of public documents in the Ondo State House of Assembly. For ease of reference, we hereby attach a copy of the said letter and is marked "**Annexure 3**"

By this letter, we humbly invite you to without delay set up a very powerful investigation team to:

1. Look into this case of fraud and conspiracy to defraud the Government and people of Ondo State by unlawfully swearing in persons who did not possess certificates of return to earn salaries and allowances not due them. Mr. Akinruntan Abayomi and Mr. Coker Adeniyi Malachi have been impersonating Honourable Members of the Ondo State House of Assembly when they do not possess a certificate of return.
2. Investigate the allegations of fraud earlier reported to your office vide our client's letter of 4<sup>th</sup> May 2015; and
3. Bring to justice all persons who participated in all the unlawful acts enumerated above.

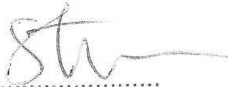
It is only by doing this that the anti-corruption crusade of this present Government would become meaningful and effectual.

We count on you to do justice to this petition of our clients.

Have the assurances of our highest esteem.

Thank you.

Yours faithfully,



.....  
**Charles Titiloye Esq.**



ANNEXURE 1

ONDO STATE OF NIGERIA  
 HOUSE OF ASSEMBLY  
 (FOURTH REPUBLIC)  
 EIGHTH ASSEMBLY  
 2015/2016 SESSION  
 VOTES AND PROCEEDINGS  
 MONDAY, 1ST JUNE, 2015

NO. 01

ATTENDANCE OF HONOURABLE MEMBERS

S/N	NAME	CONSTITUENCY	POST HELD	ATTENDANCE
1.	Rt. Hon. (Barr.) Princess Akindele Jumoke Yetunde	Okitipupa II	Speaker	Present
2.	Rt. Hon. (Barr.) Olotu Fatai	Akoko North-East	Deputy Speaker	Present
3.	Hon. Kaseem M. Suleiman	Akoko South -West I	Member	Present
4.	Hon. Akinsoyinu Olugbenga Ifedayo	Ondo West II	Member	Present
5.	Hon. Arowele Samuel	Owo 1	Member	Present
*6.	Hon. Akinrutan Abayomi	Ilaje I	Member	Present *
7.	Hon. Adesanya Kemisola Adenike	Akure South I	Member	Present
8.	Hon. Oleyelogun Bamidele David	Ifedore	Member	Present
9.	Hon. Maito Sulaiman Jamiu	Akoko North-West I	Member	Present
10.	Hon. Obadiah Vincent S.	Ese odo	Member	Present
11.	Hon. Akintimehin Isaiah Tuyi	Idanre	Member	Present
12.	Hon. Olamide Abayomi George	Akure North	Member	Present
13.	Hon. Ebiwonjumi Sola	Okitipupa I	Member	Present
14.	Hon. Adeniyi Adeniji Femi	Ondo West I	Member	Present
15.	Hon. Iroju Ogundeji	Odigbo I	Member	Present
16.	Hon. Akindiose Olusiji Alphonsus	Ondo East	Member	Present
17.	Hon. Araoyinbo O. Joseph	Akoko North -West II	Member	Present
18.	Hon. Towase Kuti O.	Akoko South-East	Member	Present
19.	Hon. Mukaila Ayinde Musa	Owo II	Member	Present
*20.	Hon. Coker Adeniyi Malachi	Ilaje II	Member	Present *
21.	Hon. Fajolu Abimbola Olutope	Ile-Oluji/Okeigbo	Member	Present
22.	Hon. Ajimotokin Olusegun Philip	Irele	Member	Present
23.	Hon. Felemugudu Bankole O.	Akoko South-West II	Member	Present
24.	Hon. Oluyede O. Feyide	Ose	Member	Present
25.	Hon. David Sunday Olajide	Akure South II	Member	Present
26.	Hon. Fasogbon M. Akinyele	Odigbo II	Member	Present

2. The Clerk of the House took his seat and called on the Member-elect Adeniyi Adeniji Femi, representing Ondo West State Constituency II to lead the House in prayers.

Member-elect Adeniyi Adeniji Femi led prayers at 12.26p.m.

**3. CONFIRMATION OF WRIT OF RETURNS AND ROLL CALL OF MEMBERS-ELECT.**

The Clerk of the House took the roll call of Members-Elect and confirmed their Writ of Returns.

**4. THE PROCLAMATION FOR INAUGURATION**

The Clerk of the House read the Proclamation for the Inauguration of the First Session of the 8<sup>th</sup> Assembly as sent by His Excellency, the State Governor, Dr. Rahman Olusegun Mimiko.

**5. ELECTION OF MR. SPEAKER**

The Clerk called for nominations for the office of the Speaker

- (a) I, Member-elect, Olamide Abayomi George, representing Akure North State Constituency hereby move that Member-elect, Akindele Jumoke Yetunde representing Okitipupa State Constituency II be elected as the Speaker.
- (b) After that, the Clerk called for a seconder of the motion on the nomination. The motion was so seconded by Member-elect, Araoyinbo. O. Joseph, representing Akoko North West II State Constituency.
- (c) Thereafter, the nominee informed the House of his readiness to serve in that capacity.
- (d) The Clerk later called for counter motion or further nomination(s) if any. There was none.
- (e) Consequently, Mr. Clerk declared nomination closed.
- (f) In the absence of any counter motion or further nomination, Mr. Clerk declared Member-elect, Right Honourable (Barr.) Princess Akindele Jumoke Yetunde as the Speaker-elect.

**6. ELECTION OF DEPUTY SPEAKER**

The Clerk called for nominations for the office of the Deputy Speaker

- (a) I, Member-elect, Coker Adeniyi Malachi, representing Ilaje State Constituency II, hereby move that Member-elect, Olotu Fatai representing Akoko North-East State Constituency be elected as the Deputy Speaker.
- (b) After that, the Clerk called for a seconder of the motion on the nomination. The motion was so seconded, by Member-elect, Oleyelogun Bamidele David, representing Ifedore State Constituency.
- (c) The nominee informed the House of his readiness to serve in that capacity.
- (d) The Clerk later called for counter motion or further nomination(s) if any. There was none.
- (e) Consequently, Mr. Clerk declared nomination closed.
- (f) In the absence of any counter motion or further nomination, Mr. Clerk declared Member-elect, Honourable (Barr.) Olotu Fatai as the Deputy Speaker-elect.

**7. SWEARING-IN AND SUBSCRIBING TO THE OATH OF OFFICE AND THE OATH OF ALLEGIANCE BY THE DEPUTY SPEAKER-ELECT.**

The Deputy Speaker-elect, Hon. (Barr.) Olotu Fatai, swore and subscribed to the Oath of Office and Oath of Allegiance accordingly.

**8. SWEARING-IN AND SUBSCRIBING TO THE OATH OF OFFICE AND OATH OF ALLEGIANCE BY THE SPEAKER-ELECT.**

The Speaker-elect, Rt. Hon. (Barr.) Princess Akindele Jumoke Yetunde, swore and subscribed to the Oath of Office and Oath of Allegiance accordingly.

**9. SWEARING-IN AND SUBSCRIBING TO THE OATH OF ALLEGIANCE AND THE OATH OF MEMBERSHIP BY ALL OTHER MEMBERS-ELECT.**

The Rt. Honourable Speaker administered the Oath of Allegiance and the Oath of Membership on all Members-Elect accordingly.

**10. MR. SPEAKER'S INAUGURAL SPEECH.**

The Speaker made an Inaugural Speech.

**11. NOTICE OF MOTIONS**

(i) **Motion made and question proposed:** that Pursuant to Section 101 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), which states, that a House of Assembly shall regulate its own procedure;

**BE IT THEREFORE Resolved** that this Assembly shall continue to operate under the STANDING ORDER as adopted by the previous Assembly of this House until otherwise **Resolved;** (Honourable Akinsoyinu Olugbenga Ifedayo)

*Question put and agreed to.*

(ii) **Motion made and question proposed:** that the Honourable Members in the House take a suitable composite photograph that will be prepared and properly preserved and displayed as property of the House of Assembly and that suitable prints be furnished to Members of the said House and that the cost be borne by the House of Assembly.

*(Rt. Honourable (Barr.) Olotu Fatai)*

*Question put and agreed to.*

**12. VOTE OF THANKS**

The Right Honourable Speaker called on Honourable Fasogbon M. Akinyele, Honourable Member representing Odigbo State Constituency I to give the Vote of thanks.

This was done accordingly.

**13. ANNOUNCEMENT(S).**

**14. ADJOURNMENT**

**Motion made and question proposed:** that at its rising this day Monday, 1<sup>st</sup> June, 2015, this House shall adjourn till Tuesday, 2<sup>nd</sup> June, 2015 for Plenary Sitting at 10.00a.m.

*(Honourable Olamide Abayomi George).*

*Question put and agreed to.*

House rose accordingly at 1.27p.m.

**Rt. Honourable (Barr.) Princess Akindele Jumoke Y.**  
*Speaker, Ondo State House of Assembly*



*"ANNEXURE 2"*  
**INDEPENDENT NATIONAL ELECTORAL COMMISSION**  
**(INEC-STATE HEADQUARTERS)** P.M.B. 607, Alagbaka Quarters, Akure, Ondo State



Our Ref:..... INEC/OD/LOG/64/305.....

5<sup>th</sup> June, 2015

Your Ref:.....


Date:.....

Titiloye Charles and Co.,  
Hospital Road,  
Akure.

**RE: REQUEST FOR INFORMATION ON THE ISSUANCE OF CERTIFICATES OF RETURNS  
WITH RESPECT TO ILAJE STATE CONSTITUCIES I AND II**

I have been directed to refer to yours dated 4<sup>th</sup> June, 2015 on the above subject matter and to give the Commission response that Certificate of Returns are yet to issued to the Ilaje State Constituencies I and II.

Thank you.

  
Abiodun M.I.,  
HOU (Electoral Mgt.),  
for: Resident Electoral Commissioner.





NIGERIA



\* SP432407043NG \*

1 Name of administration of origin  
National name of the service

31 Office of origin  
AKURE

4 Date mailed  
15 08 08

5 Time mailed  
11:50

6 Account no.  
08033738287

7 Telephone no.  
08033738287

10 Account no.

11 Telephone no.

8 Name and address of sender  
TITILOYE CHARLES  
99 HOSPITAL RD  
AKURE

12 Name and address of addressee  
THE INSPECTOR-GENERAL  
OF POLICE. NIG. POLICE  
FORCE. LUIS EDET  
HOUSE ABUJA

9 Postal code  
540001

14 Postal code  
ABUJA

38 No. of office of origin  
0390

39 Signature of sender  
*[Signature]*

20 Dispatch charge  
#2200

19 Insurance fee  
110

35 Pick up fee  
100

36 Total charges  
#2410

15 Number of pieces

16 This piece no.

17 Product type

18 Method of payment  
1 2 3

42 Amount in words  
two thousand four hundred

Contents declaration  
21 Description of contents  
Letter

27 Name in print of the person taking delivery of the item  
Ben Nwara only

40 First attempt  
Date Time

41 Second attempt  
Date Time

22 Gift

23 Sample of merchandise

24 Value  
0.1

25 Weight in kg  
0.1

28 Signature  
*[Signature]*

32 Delivered  Delivery attempt

37 Signature of employee accepting the item  
*[Signature]*

26 Special handling instructions

29 Date of delivery  
Year Month Day

30 Time of delivery  
Hour Minutes

PLEASE PRESS HARD, YOU ARE MAKING FIVE COPIES

CUSTOMER'S COPY

9 x 5 300118



*Hon. Barr. Olugbenga Edema* LL.B.BL

Member Representing Ilaje Constituency II  
and Chairman, House Committee on Ondo State  
Oil Producing Areas Development Commission (OSOPADEC)



Your Ref: \_\_\_\_\_ Our Ref: \_\_\_\_\_ Date: \_\_\_\_\_

4<sup>th</sup> May 2015

The Inspector-General of Police  
Nigeria Police Force  
Louis Edet House,  
Abuja

Sir

**REQUEST TO INVESTIGATE THE ACT OF FORGERY AND  
FALSIFICATION OF PUBLIC RECORDS BY THE CLERK AND  
PRICIPAL OFFICERS OF THE ONDO STATE HOUSE OF ASSEMBLY**

I am Honourable Barrister Olugbenga Edema, a member of the Ondo State House of Assembly.

You would recall that on Monday 27<sup>th</sup> April 2015, some 23 members of the Ondo State House of Assembly purportedly convoked a plenary sitting of the House with a view to impeaching the Deputy Governor, Alhaji Alli Olanusi. This was widely reported in all the news media.

All the processes leading to this act of impeachment were concealed from me and my colleague, Honourable Folajimi Vincente being members of the All Progressives Party, the opposition party in the House.

As a result of the fact that the notice of the plenary sitting was not circulated contrary to the Standing Order and rules of custom of the Ondo state House of Assembly, there were insinuations that we would approach the Court to set aside the unlawful act. This necessitated the need to 'perfect' papers to give the impression that we were served with the notice of the unusual Monday plenary session which sitting was contrary to our Standing Orders and Rules of custom.

On Thursday 30<sup>th</sup> April 2015 at about 15: 30 hours, the Clerk of the House, Mr. Bode Michael Adeyelu on the instructions of the Right Honourable Speaker, Ms. Jumoke Akindele, the Majority Leader, Honourable Ifedayo Olugbenga Akinsoyinu and the Parliamentary Secretary, Honourable Bamidele David Dleyelogun invited a casual staff attached to my office to the office of the clerk of the House to sign to have received a document titled notice of impeachment and they specifically instructed her to sign that she received the notice of the said meeting on my behalf on Monday 27<sup>th</sup> April 2015 at about 08:30 hours, the same

Igbatoro Road, P.M.B. 733, Akure, Ondo State, Nigeria.  
Tel: 08033786567, 08056445616  
E-mail: edemagbenga@yahoo.com www.olugbengaedema.org

hour and date the House carried out the purported impeachment of Alhaji Alli Olanusi as Deputy Governor.

It would interest you sir, that this is not the first time these principal officers with the active connivance of the Clerk would undertake this kind of illegal act. At about March 2014 after the demise of the Late Right Honourable Adesina, the then Speaker of the House, these persons fabricated a House resolution purported to have authorise the borrowing of about ₦2.4b for the benefit of the Wealth Creation Agency (WECA) an agency being headed by Governor Olusegun Mimiko's niece. This resolution was never debated let alone approved by the Ondo state House of Assembly as stipulated by the Constitution or the rules of customs of the Ondo State House of Assembly.

All the Ondo State Oil Producing Areas Development Commission (OSOPADEC) budget for the past four years had never been debated at the House of Assembly nor passed by it. All we hear is that the budget had been passed; when it was debated and passed, only these principal officers and the clerk can explain.

I am by this letter urging you sir to order full investigations into the processes leading to the impeachment of Alhaji Alli Olanusi including this spurious letter called notice of impeachment which was meant for my attention having not been circulated before Monday the 27<sup>th</sup> April 2015 as well as other incidences of fabrication and falsification of public documents as they relate to the WECA loan, the OSOPADEC budget for the year 2011, 2012, 2013, 2014 and 2015 which has become the character of the Ondo State House of Assembly. The verbatim recording of the proceedings of all the plenary sessions of the House of Assembly would shed more light on these acts of illegality being perpetuated by these characters.

While the investigation is going, we urge that the security apparatus attached to Alhaji Alli Olanusi as the Deputy Governor of Ondo State be maintained as no valid impeachment process had been carried out by the Ondo State House of Assembly.

I count on you to do substantive justice on these grave matters which I have brought to your attention.

I shall be ready to make myself available to testify before you if and when called upon to do so.

Have the assurances of my highest esteem

Yours faithfully,



Hon. Barr. Gbenga Edema

PLEASE PRESS HARD, YOU ARE MAKING FIVE COPIES

1 Name of administration of origin National name of the service		NIGERIA		2 Barcode		* SP434333065NG *	
31 Office of origin		4 Date mailed		5 Time mailed			
AKURE		15 05 2014		11 45 AM			
6 Account no.		7 Telephone no.		10 Account no.		11 Telephone no.	
		080 33786567					
8 Name and address of sender				12 Name and address of addressee			
CIBENGA EDEMA				THE INSPECTOR - GENERAL			
213 HENRY Fajemilola				MIG. POLICE FORCE			
AKURE				LOUIS EDET HOUSE			
9 Postal code				14 Postal code			
340001				ABUSA			
38 No. of office of origin		39 Signature of sender		20 Dispatch charge		19 Insurance fee	
0590		<i>[Signature]</i>		#2200, 110		100	
15 Number of pieces		16 This piece no.		17 Product type		18 Method of payment	
						1 2 3	
15 Contents declaration				20 Amount in words			
21 Description of contents				22 Amount in words			
Letter				two thousand four hundred			
				given Name only			
				27 Name in print of the person taking delivery of the item			
				Central Mail			
				28 Signature			
				<i>[Signature]</i>			
22 Gift		23 Sample of merchandise		24 Value		25 Weight in kg	
				0.1		0.1	
32 Delivered		37 Signature of employee accepting the item		26 Special handling instructions		29 Date of delivery	
		<i>[Signature]</i>				Year Month Day	
						Hour Minutes	

40 OF 40