

Get Up: Anas Judgment Day Has Arrived

See Them At The Kangaroo Court!

Part I

See Us At The Kangaroo Cedi Courts!

Order!

ANAS JUDGMENT DAY

Order!

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ACCRA:
Ghana, we have a problem!

ISSUE:

After a 2-year investigation by Anas Aremeyaw Anas, a Ghanaian citizen, evidence of malfeasance by 34 judges was presented to the Chief Justice of Ghana, and a documentary video of the investigation was shown to people at the Accra International Conference Center (AICC), in September, 2015.

SITEM¹:

1. Lawyer John Ndebugri is the most ignorant, lawless lawyer in Africa, bar none!
2. Lawyer Bright Akwetey², reportedly the "CPP kingpin", was entirely off his rocker when he said "...When investigating, you didn't go to hide somewhere to look at or to screen a scene when a judge is seen taking money from somebody but you instigated the thing yourself..."
3. A private citizen cannot "entrap" a judge who is inclined to commit the ethical violations of professional conduct and/or the crimes of corruption and abuse of authority using their official position to (1) curry favor, (2) benefit themselves and others financially, and as a result, (3) bring the name of the judiciary the Government of the People into disrepute, shame, and scorn.

DISCUSSION:

For many of us on Ghanaweb and on other online portals, it is mighty strange that some of our loud-mouth resident lawyers are missing in action (MIA) with respect to the Anas-Ghana Judges corruption saga.

From the 3-point SITEM above, the reader will know that we've heard some lawyers plying their trade with 100-year old law books. They are saying Anas entrapped the 22-odd judges, and other foolish things. Therefore, we are offering Lawyer Bright Akwetey, Lawyer John Ndebugri, and Chief Wood a perspective on Entrapment free of charge, just in case!

Below is the current understanding of "entrapment" in the US where Chief Justice Wood paid a visit in 2008 wanting to know how the laws in Ghana could advance in stature comparable to the US where it is a lot more of an institution. After all, there are "common interests", the Chief observed. So, with her experience at the Fordham Law School where she lectured on "The Dynamic of Law and Development in Ghana: The Case for Judicial Reform in an Emergent Democracy," Chief Wood ought to be able to find a solid legal principle or two to

guide her. That is, before she sends the dockets to the Ghana Police Service for prosecution of the judges. But, the Chief will have to make sure she keeps copies of the cases, just in case!

ENTRAPMENT³:

"...The inducement by a government agent of a person to commit a crime by the usage of fraud or undue persuasion in an attempt to set up a criminal charge to be brought against that person.

Predisposition: The inclination of a person to engage in a certain behavior, specifically a certain type of illegal behavior.

It is a defense to most crimes that the defendant was entrapped into committing the crime, either by a law enforcement officer or by someone working as an agent of a law enforcement officer.

Entrapment is usually used as a defense to victimless crimes, such as buying illegal narcotics or soliciting prostitution. Charges of violent crimes like rape or murder or robbery cannot usually be avoided by an entrapment defense.

Further, the entrapment defense is only available where the entrapment was committed by either a law enforcement officer or someone working in cooperation with a law enforcement officer. Thus, if a person is induced to commit a crime by a private citizen, he cannot use the entrapment defense. (See *Henderson v. United States*, 237 F.2d 169 (5th Cir. 1956).

For example: Fred, a law abiding citizen, is walking home from work one day when Barney walks over to Fred and tries to convince him to buy a bag of marijuana. Fred has never tried drugs before and has no particular interest in doing so now. However, Barney is so persuasive that Fred decides that one time couldn't hurt, and he buys the bag. If Fred is charged with a crime, he will not be able to use the entrapment defense if Barney is a private citizen. However, if Barney were an undercover police officer, then Fred would at least be able to argue for an entrapment defense..."

REPEAT:

If a person, including a judge or a police officer, is induced to commit a crime by a private citizen, the judge (and his lawyer) cannot use the entrapment defense.

CONCLUSION⁴:

The compromised judges, certainly, cannot then use their official position to pursue anyone, including finding them in contempt of the discredited court for the offense they themselves committed thinking there were no cameras watching, that there were no recorders taping, that there were no citizen reporters tracking their behavior. Rather, every case the compromised judges handled will automatically qualify for review and correction of the record, if so found upon objective, impartial review, in open court.

NOTES & SOURCES:

1. SITEM©: Summary of Information and Technical Evaluation of Materials. (Prof Lungu, GhanaHero.Com, 25 September, 2015).
2. Anas' investigative methods questionable – Bright Akwetey, Citifmonline, 24 Sep 15, (www.citifmonline.com/2015/09/24/anas-investigative-methods-questionable-bright-akwetey/).
2. Entrapment: (www.nationalparalegal.edu/public_documents/courseware_asp_files/criminalLaw/defenses/Entrapment.asp).
4. GhanaHero.Com Bank of Common Sense. Prof Lungu is not a lawyer.
5. Visit www.GhanaHero.com. Read Mo! Listen Mo!



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See Them At The Kangaroo Court!

Part II



ACCRA:

Ghana, we still have a problem!

THE PALAVER:

After more than 2 years of investigations, Mr. Anas Aremeyaw Anas, a Ghanaian journalist, provided evidence of malfeasance by 34 judges and a host of other government officials (police officers, court clerks, etc.). The evidence was first presented to the Chief Justice of Ghana. Weeks later, a video of the investigation was shown at a public venue. Around 26 September, following a petition to the Inspector General of Police (IGP) and the Attorney General the journalist, the Criminal Investigations Department (CID) of the Police "commenced investigations into the allegations of corruption against some judicial personnel and police officers...(among them)...Seven police officers..." (Ghanaweb, 29 September)¹.

SITEM:

1. Lawyer John Ndebugri is still the most ignorant, lawless, lawyer in Africa, bar none!

2. Lawyer Bright Akwetey was entirely off his rocker for defending his client by saying Mr. Anas should have hid behind a window screen to observe the judge taking a bribe before reporting the judge for "taking money from somebody". The simple-stupid idea is, if a suspicious private citizen can arrest (and not lynch) another citizen on suspicion of a crime, then the same suspicious citizen has the right to directly entice a judge with anything of value in order to obtain evidence of corruption by the public official for an act they were inclined to commit anyway.

3. A private citizen does not "entrap" a judge who is inclined to commit a crime (i.e. abuse of authority) and violation(s) of professional ethical conduct, and as a result, brings the name of the judiciary, government, and the People into disrepute, shame, and scorn.

DISCUSSION:

In Part I, we said Chief Justice Wood's visit to the US in 2008 is instructive because Ms. Wood indicated desire to advance the Ghana legal system in stature by building on its institutional capacities through reform. In the US, "entrapment" as a defense is only available when the entrapment was committed by either a law enforcement officer (or their agent).

In Part II, we present the current understanding of "entrapment" in the United Kingdom where much of Ghana's legal system originated. In fact, we will hazard that attention-deficit lawyers Mr. John Ndebugri and Mr. Bright Akwetey most

likely earned their law degree in the UK or in Ghana, not in the US. Under the British system, this is what constitutes "entrapment".

ENTRAPMENT IN THE UK²:

As understood in UK criminal law, "...for a person to fall foul of entrapment, a law enforcement agent would have induced a person to commit an offence that otherwise they would have had no intention to commit... Entrapment occurs when an agent of the state...causes someone to commit an offence in order that he should be prosecuted...It is established case law that...there is no defence of entrapment in English law...to those who are entrapped by undercover journalists into committing criminal offences (*R v Sang* [1980] AC 402)..."

REPEAT:

Again, if a person, including a judge or a police officer is induced to commit a crime by a journalist, a crime they were inclined to commit on their own given "opportunity" in the first place, the judge and the police officer (and their lawyers) cannot use the entrapment defense.

CONCLUSION:

In the UK, entrapment "is not a substantive defence in the sense of providing a ground upon which the accused is entitled to an acquittal...(and)...the fact that the accused was entrapped is not inconsistent with his having broken the law. The entrapment will usually have achieved its object in causing him to do the prohibited act with the necessary guilty intent. If a judge is induced to commit a crime by a private citizen, he/she cannot use the entrapment defense...". Also, a compromised judge cannot use his/her official position to attack anyone, including finding them in contempt of the discredited court for the offense they themselves committed. (We imagine this is the same case in Ghana, unless the Kangaroo Cedi Court is for real!).

NOTES & SOURCES:

1. CID begins investigations into judicial bribery scandal, General News of Tuesday, 29 September 2015, Ghanaweb.

2. "In Brief - Helping with Life's Legal Issues", at <http://www.inbrief.co.uk/police/police-entrapment.htm>). See also "Judgments - Regina v Loosely", at

<http://www.publications.parliament.uk/pa/ld200102/ldjudgmt/jd011025/loose-2.htm>. (Or, go read the real law books on the decisions).

3. Visit www.GhanaHero.com. Read Mo'! Listen Mo'! Reflect Mo'!
Get a copy of the final paper at www.GhanaHero.com/FOIB.

SITEM©: Summary of Information and Technical Evaluation of Materials.
(Prof Lungu, GhanaHero.Com, 25 September, 2015 - Prof Lungu is not a lawyer).



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Without Light, Tree of Knowledge Withers!

Rascal Bourgeois Reactionaries are Killing Ghana Freedom & Justice for Goats and Massages!