Forensic Psychology and Jury System as a Panacea to Quick Dispensation of Justice in Nigerian Legal System.

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ABSTRACT
Over the years the issue of delayed justice in Nigeria has become a major concern to the proponents of legal reforms, particularly those who feel that the court is too slow in resolving legal issues. These experts attribute this to the fact that the extent legal system of the country is too corrupt and overburdened or affected by extraneous factors such as incessant political interference on the Nigerian judicial system as regards to the civil and political cases. As a result of these undue interferences by the political and elite class, several cases lingers for years or struck out by superior courts without proper trials of the individual or parties concerned. Perhaps forensic experts adopting forensic method such psychological factors in presenting evidence, eye witnessing, perceptual awareness, finger prints of the assailants and plea of insanity will assist in effective trials and judgment in the Nigerian legal systems. Hence this paper attempts to proffer solution on the causes of delay in justice, ineffectiveness and inefficiency to meet the wishes and aspiration of the citizenry by looking into the forensic psychology and jury system as a panacea to quick dispensation of justice in Nigerian legal system.

Keywords: *Forensic psychology, jury system, quick dispensation of justice, Nigeria.*

INTRODUCTION

Nigeria is a geographical and political entity bedeviled with a myriad of economic; political and social problem which is very endemic and contagious in the fabrics of our national conscience. There are many factors responsible for corrupt practices in Nigeria. Among these problems includes political instability, poverty, corruption, moral decadence and various forms of economic crimes and deviant behaviours such as currency trafficking, trafficking in persons, adulteration of goods, piracy of different degrees and other forms of negative vices such as political thugery, kidnapping and others. These problems are indicative of the level of underdevelopment in our society in particular, our country in general and Africa at large (Rodney, 1972) Ake, 1981; & (ass, 1998).

Nothing can be used to illustrate the disillusionment of the delivery of justice in this country. Over 700,000 cases are pending in the federal high court, Lagos yet; only one judge still presided over the cases. Even if it means only mentioning the cases and taking dates, can a single judge attend to the whole matters in a day? According to experts, this increase in the number of cases pending in law courts is attributable to shortage of judges and high rate of litigation. Obviously, that inference is begging for official acknowledgement as a reason for the slow machinery of

justice dispensation. But a situation whereby a judge battles with over 70,000 cases is a recipe for corruption. So, those who believe that the Nigerian judiciary has become tainted with the pervasive corruption in the land have a strong factor in their favour. When that factor is laced with the cumbersome processes of court; the often cramp court-rooms and court environment; the absence of facilities of proceedings by the judges; the non-availability of legal research assistants and the predisposition of the judges, as human beings, to these looming factors, the result is anybody's guess. But this certainly is in dissonance with smooth administration of justice. These hinder quick dispensation of justice in Nigeria. As was reported by the chief Justice of the federation, Justice Mariam Aloma Mukhatar that they have a vision of a justice system that is simple, fast and efficient. It must be response to the needs and yearnings of the citizenry. If the public loses respect for the Bench, the society may gradually be creeping back to the days of jungle justice, as less and less persons and institutions will be willing to entrust their disputes to them. The chief Justice Mariam Mukhtar and the former Chief Judge of the Federal High Court, Justice Ibrahim Auta, had pinpointed 'corruption' as a major factor for the delay in administering justice in the country. "Corruption" is the only reason that can explain the snail's speed at which the administration of criminal justice is moving in Nigeria.

According to Prof. Munzali Jibril; the Nigerian factor "has come to mean unfortunately corruption, nepotism, dishonestly, fraud and anything that is negative in our national life (Jibril, 2003). In Nigeria, justice can be manipulated to suit the personal interests of the high and mighty. The maxim "equality before the law" appears to be honoured more in breach than in its observance (Aguda, 1986).The major objective of the court is a just and timely determination of the case(s) that come(s) before the court. The process of the court should be efficient, understandable and accessible.

The processes of management case flow are contributed towards achieving these objectives, to make a better day for those who work within the system and for the public they serve (Alabi, 2004). Each judge is expected to treat and manage every case filed before him/her in order to avoid congestion in his or her court. Sometimes, new cases come in a rapid succession that congestion will become unavoidable. Some judges engage in long and unnecessary arguments with counsel during hearing, some cannot sit for long at a stretch while others crawl in writing. Some judges make it a policy to fix only one case for a day, if it is set down for hearing; some due to pressure from counsel, neglect to endeavor to hear cases in accordance with their priority in tune of filling; this may lead to cases that were filed about some years ago are left pending. Before we know it, the potential witnesses in the case become disenchanted and finally, stop attending the case, thus frustrating the justiciable decision that their evidence could have helped the court to achieve success in the case.

Some judges have inadequate legal knowledge. Sometimes counsel may raise elementary part of law, which necessitates a ruling. But because the judge is not equally knowledgeable, he or she adjourns the matter for a ruling, instead of giving a bench-ruling. Similar to this is the taking of long adjournments for a simple ruling which does not involve any complicated analysis of the law. Some judges even adjourn cases simple because a particular ruling is not ready. Some adjourn cases just because they are tired and hungry or because they want to go for school run.

Furthermore, quick dispensation of justice is seriously hindered in Nigerian criminal justice process. Under the Nigerian criminal justice system, the accused person is presumed innocent until proven guilty. The burden of proving his or her guilt rests on the prosecutor and not the accused to prove his or her innocence. After the investigation of the case done by police and the report sent to the Director of public prosecutor's office for advice, most of the times, the

case suffers incessant adjournments which prolong the case unduly, just because sometimes, the counsels are not ready with their evidence or that they lack fund to prosecute the case (Craig, 1988). Thus, the need for more manpower and modern gadgets to enable them prosecutes their cases diligently in the court of law without unnecessary delay.

Instructively, the chief the former Chief justice of the federation, Justice Mariam Aloma Mukthar has not been alone in seeking to unravel the delay in administering justice in Nigeria. As was noted by chief Justice of the federation and the former chief judge of the federal High court, Justice Ibrahim Auta that corruption is the major factor that contributed to the slow pace of criminal justice delivery in Nigeria. Perhaps, this time would be the right time to use jury system similar to the practice in the USA for the quick dispensation of justice in Nigeria. The time has come for the judicial system to adopt jury practice at least in some cases. There is a difference between judgments and justice, and the latter is the whole essence of having a judiciary. To ensure that laws are in place to protect society and its habitants, also guarantees some sort of moral order that is being reinforced by statutory laws for the peaceful coexistence in the society. Any negation of this basic tenet makes the existence of a "judge" sitting on a bench to adjudicate over a matter by virtue of a constituted authority given to him or her by willful submission of the people, completely unnecessary. For the Nigerian Judiciary to succeed in their pathway for quick dispensation of justice, they should adopt the knowledge of forensic psychology as a focal point.

Forensic Psychology is branch of psychology that will be of most interest to those studying this course. It involves mainly the application of psychology to the area of crime and the legal system. Forensic psychology is applicable in many other areas, Forensic psychology studies psychological damages, forensic examination, expert testimony in employment-related disputes, doomsday cults, secret societies and militias: brain washing, madness, criminality, sexual predictors laws, patient estimate of pin, child-custody decision making, child-sexual behavior in relation to abuse variable, treating psychological disturbances caused by motor accidents, and forensic evaluation of sexual harassment (the monitor APA, 1998).

Some people would like to believe that all of us would be treated equally in court; it is not always the case. Your chance of being acquitted in a criminal trial in the United States is better if you are physically attractive; wealthy, and white. In Nigeria and some other African countries, poor people are more likely than affluent ones to be convicted of crimes when charged with similar assault. Physically attractive defendants are less likely to be convicted than unattractive one, unless the attractiveness seemed to play a part in the crime (as in a case of swindle). And racially prejudicial judges are more likely to vote and to convict someone outside their tribe. This lead to the exploration of psychological factors in presenting evidence; and it somewhat reassuring to learn that several studies have suggested that although characteristics of defendant and juniors are important in determining conviction or acquittal, the evidence is several times more important. Unfortunately, facts are not the only important aspects of courtroom evidence, psychological factors in presenting the facts are involved as well. Criminal trials are "adversarial proceedings" the attorneys for the prosecution and defense attempts to convince the jury of the guilt or innocence of the defendant as if they were in a debate. Because both attorneys cannot talk at the same time, they obviously must make their presentations one at a time. Unfortunately, the order in which evidence is presented appears to make a difference in the outcome of the trial. The research evidence showed that the attorneys who went second hold a decided advantage. This is not good news of someone who is falsely accused of a crime, since the tradition has it that the prosecutors are allowed to make the last statement o the jury.

Eye witness

In the court, eyewitness testimony can be a key element in establishing guilt or innocence. The claim, "I saw with my own eyes carries a lot of weight before the judge or the jury. But to put it bluntly, eye-witness testimony is frequently wrong. Judges and juries are most swayed by witnesses who are certain that their testimonies are accurate. Yet, in fact, a person's confidence in his or her testimonies has almost no bearing on its accuracy (Wells, 1993). In addition, misleading questions about what a person saw can greatly decrease eyewitness accuracy and confidence. Psychologists interested in perception are gradually convincing lawyers, judges and police officers of the fallibility of eyewitness testimony. Even so, thousands of people have been wrongly convicted in Nigeria alone and not to talk about other African countries. In one typical court case a police officer testified that he saw the defendant shoot the victim as both stood in a doorway , 120 feet away, measurement made by a psychologist showed that, at that distance, light from the dimly lit doorway was extremely weak-less than a fifth of that from a candle. To further show that identification was improbable a juror stood in the doorway under identical lightning conditions. None of the other juniors could identify him. The defendant was eventually acquitted. Unfortunately, perception rarely provides "instant replay" of events. Even in broad daylight, eye witness testimony is untrustworthy.

Perceptual Awareness

The humanistic Psychologist Abraham Maslow (1969) believed that some people are unusually accurate in perceptions of themselves and others. Maslow characterized these people as especially alive, open, aware and mentally healthy. He found that their perceptual styles were marked by immersion, in the present a lack of self consciousness, freedom, and a general criticizing, or evaluating, and a general surrender to experience. The kind of perception Maslow described is like that of a lawyer and a client. We should remember that perceptions are reconstruction of reality; we should learn to regularly question our own perception. Are they accurate? Could another interpretation fit the facts? What assumptions are we making? Could they be distorting your perception? Our perception of a plaintiff should be adequately evaluated ad assessed on criminally justice system by qualified forensic Psychologists to ensure fair trial in court proceedings.

Finger Prints Recognition

This refers t the automated method of verifying a match between two human finger prints. Finger prints are one of the many forms of biometrics used to identity a finger print sensors is an electronic device used to capture a digital image of the finger print pattern. The captured mage is called a line scan. This life scan is digitally processed to create a biometric template (a collection of extracted features) which is stored and used for matching. This implies an overview of some of the more commonly used finger prints sensor technology.

A finger print in it narrow sense is an impression left by the friction ridges of a human finger, the recovery of finger print from a crime scene is an important method of forensic science. Finger print are easily deposited on suitable surfaces (such a glass or metal or polished stone) by the natural secretions of sweet from the eccrine glands that are present in epidermal ridges.

A psychologist research showing that no two people have the same fingerprints gives law enforcement a highly reliable way to identify people who don't want to be identified. In 1892, an Argentine police officer used finger prints to prove that a woman had murdered her two sons. By

1905, law enforcement agents in both England and the U.S began the routine use of fingerprint in criminal investigations. Since that time finger prints identification has been used for a wide range of reasons (example to identify accident victims, to prevent forged signatures). Without a doubt however, the science of finger printing has been of the most use to law enforcement agents and forensic scientists. Although advances in DNA testing may make fingerprint evidence less important in the next century than it proved to be in the last, it may be a long time before fingerprint evidence becomes completely obsolete. Even identical twins, whose DNA is indistinguishable have different finger prints.

Plea of insanity

Psychology and legal profession have been working together for many years. Psychologists frequently testify regarding an individual sanity or competence to stand trial .Moreover, attorneys is necessarily involved in hearing on the involuntary commitment of patients to mental hospitals and in the protection of the rights of psychiatric patients. In recent years, however, psychologists have begun to apply their methods and principles to the practice of law in the courtroom. The misery of the insane more thoroughly excites our pity than any other suffering to which humanity is subjected to, but it is necessary that the insanity should be acknowledge to be madness before the pity can be felt. Basically, two principles may be said to underlie the general exceptions to criminal responsibility. First, the circumstance surrounding the commission of act may amount to a legal justification for its commission. Secondly, the circumstance may be incompatible with the existence of mens rea. The plea of insanity falls within the later category. The plea expresses the principle that one who has lost his 'reason' should not be criminally condemned. The insanity plea is a focal point on which many different policy questions converge. Some of these questions are (a)) what is the most efficient way of protecting society from those whose state of mind leads them to do social harm? Williams (1978). In the section 28, of the Nigerian criminal code; it is quite unlawful for an insane person to stand trial, but rather such an individual should be referred to psychiatric facility for proper treatment and rehabilitation.

Lie Detectors

Lie dictator is a device for recording several physiological activities, typically including heart rate, blood pressure, respiration and galvanic skin response; commonly called a detector. Galvanic skin response (**GSR)** is a change in electrical resistance (or inversely, the conductance) of the skin due to activity in the sweat glands. There are questions usually asked in lie detector and they are categorized into two; Irrelevant and relevant questions. **Irrelevant questions;** In a polygraph exam, neutral, non-threatening or non emotional questions are asked. **Relevant questions;** In a polygraph exam, question to which only a guilty person should react are asked.

The word **jury is** derived from (Norman) French, 'jure' (sworn). Juries are most common in common law adversarial-system jurisdictions. In the modern system, juries act as tiers of fact, while judges act as tiers of law. A trial without a jury (in which both questions of fact and questions of law are decided by a judge) is known as a bench trial. The word 'jury' has been defined as a body of men sworn to give **verdict** upon some matter submitted to them; a body of men selected according to law, impaneled and sworn to inquire into and try any matter of fact, and to give their **verdict** according to the **evidence** legally produced. A **jury** is a sworn body of people convened to render an impartial verdict (a finding of fact on a question) officially submitted to them by a court, or to set a penalty or judgment. Jury can be seen as a panel of

ordinary and "reasonable" citizens sworn to give verdict according to the factual evidence presented in a court of law. In cases where there is a jury, the job of the judge is to guide them on points of law and they should decide on points of fact.

There is serious need for jury judicial system in Nigeria. A lot of ignorantly miss-used and un-checked power has long resided with politician cum persons in government and has created a dysfunctional system where nothing seems to work and we have adopted a national culture of take the best, leave the rest. In Nigeria, there is no current practice of civil or criminal jury trials. What we have are bench trial at every level; where the judge or judges have the trial by both facts and points of law in a matter before them. The practice of having one man authorized with such awesome powers of being the moral fabric of society is quite disconcerting. The sentiment of a single judge or his moral compass and rectitude goes a long way in determining the likely outcome of his or her verdict. A jury trial may not completely eliminate such trivialities and potential compromises, but it will greatly mitigate it. The normal criticism of a jury trial in Nigeria is the sentimental nature of our citizens, the fear that more decisions would be made through the prism of religion, ethnicity or region. But the jury trail is usually anchored with enough checks and balances to ensure a fair and just verdict. The lawyers get to scrutinize the jurors one by one. The basic test of reason ability would have to be passed and most importantly the decision should be unanimous. This reduces the possibility of foul play in a justice system.

The jury system dates back to 5th century BCE ancient Greece, where members of the Baile, or council and other institutions, such as judicial courts were selected from the male citizenry by lot. This process had two district advantages: Firstly, all citizens were considered, for soci-political purposes to be fundamentally equal, and, secondly, the process prevents corruption. The Baile (and hence the jury) were at the core of the original Athenian Democracy. The modern criminal court jury arrangement has evolved out of the medieval juries in England. Members were supposed to inform themselves of crimes and then of the details of the crimes. Their function was therefore closer to that of a grand jury than that of a jury in a trial.

Jury trials are not the exclusive purview of criminal law. In many jurisdictions, juries may also be elected to resolve **personal injury** litigation. In the context of criminal law, Rv Pan Madame Justice Arbour, then of canada's supreme court, looked at the meaning of the word **jury** and wrote, "the **jury** is a judicial organ of the criminal process. It accomplishes a large part of the function exercised by judges in non-jury criminal cases. In a jury trial, the **jury** is the **judge** of the facts, while the presiding judge is the judge of the law. The judge and jury together, produce the judgment of the court. The jury hears all the evidence admitted at trial, receives instructions from the trail judge as to the relevant legal principles and then retires to deliberate. It applies the law to the facts in order to arrive at a verdict. In acting trial, jurors, like judges, bring into the jury room the totality of their knowledge and personal experiences and their deliberations benefit from the combined experiences and perspectives of all of the jurors. One juror may remember a detail of the evidence that another forget, or may be able to answer a question that perplexes another juror. Through the group decision making process, the evidence and its significance can be comprehensively discussed in the effort to reach a unanimous verdict.

The jury unlike a judge does not provide reasons for its ultimate decision….. in R.V.G. that same court, justice Cory writing for the majority waxed eloquent on the origin and importance of the jury system is clearly a significant factor in many democratic regimes…it is extremely important to our democratic society that jurors as representatives of their community may make the decision as to the guilt or innocence of the accused before the court based solely on the evidence presented to them. There is a centuries-old tradition of juries reaching fair and courageous

verdict.

That tradition has taken root and been so well and fearlessly maintained that jury system will flourish in this country if adopted. Our courts have very properly stressed the importance of jury verdicts and the deference that must be shown to those decisions. Today, as in the past, great reliance has been placed upon decisions. That we think flows from the public awareness that 12 members of the community have worked together to reach a unanimous verdict.

"In reaching a verdict, jurors have heeded the wisdom of the prophetic Isaiah whose advocacy of a reasoned approach to solving problems have echoed through the ages in the moving and memorable words come now, and let us reason together (Isaiah 1vs 18). Of course, it is the virtue of the jury system that members of the community have indeed come together in order to reach their unanimous verdict. It is truly a magnificent system for reaching difficult decisions in criminal cases. It has proven itself in the centuries past and continues to do so today. Yet, this system is fragile "if the process is subjected to unwarranted pressures, or to unnecessary distractions, the delicate reasoning process may be thwarted. The sole task of a jury is to reach a verdict based exclusively on the evidence presented. The sturdy independence of jurors may be overcome and unanimity compelled by a judge's suggestion that irrelevant factors be considered or by the judges exerting unwarranted pressure. In those circumstances, the verdict may no longer be based on a reasoned approach to the evidence. It follows that the instructions given to an apparently deadlocked jury must be delicately balanced and carefully crafted. If they are not, the jury system as a bulwark of democracy will all too easily be breached. The importance and significance of the instructions or exhortation to an apparently deadlocked jury cannot be overemphasized. The jurors at this stage are tired, probably frustrated and certainly disgruntled. They have given so much of their time and labored so hard with the difficult issues that they are entitled to a careful and balanced "instructions".

In Williamsv Florida, Justice White of the United States Supreme Court wrote: "Providing an accused with the right to be tried by a jury of his peers gave him an inestimable safeguard against the corrupt or overzealous prosecutor and against the compliant, biased, or eccentric judge. Given this purpose, the essential features of a jury obviously lie in the interposition between the accused and his accuser of the commonsense judgment of a group of laymen, and in the community participation and shared responsibility that results from that group's determination of guilt or innocence".

The wise words of Justice Devlin (1905-1992): "What makes juries worthwhile is that they see things differently from judges. Trial by jury is the lamp that shows that freedom lives". The Scottish jurist Brougham wrote of the jury box, in Present State of the Law: "In our mind, he was guilty of no error, he was chargeable with no exaggeration, he was betrayed by his fancy into no metaphor, who once said that all we about us, Kings, Lords and Commons, the whole machinery of the States, all the apparatus of the system, and its varied workings, end in simple bringing twelve good men into a box".

Types of jury

These are the different types of jury.

1. The "petit jury" (or "trial jury", sometimes "petty jury") hears the evidence in a trial as presented by both the plaintiff (petitioner) and the defendant (respondent. After hearing the evidence and often jury instructions from the judge, the group retires for deliberation, to consider a verdict. Here, in some cases it must be unanimous while in other jurisdictions, it may be a majority or supermajority. The size of the jury varies; in

criminal cases involving serious felonies there are usually 12 jurors, although Scotland uses 15.

2. The grand jury is a type of jury system now confined almost exclusively to federal courts and some state jurisdiction in the United States. They determine whether there is enough evidence for a criminal trial to go forward. Grand juries carry out this duty by examining evidence presented to them by a prosecutor and issuing indictment, or by investigating alleged crimes and issuing presentments. A grand jury is traditionally larger than and distinguishable from the petit jury used during a trial, usually with 12 jurors. Grand juries can also be used for filing charges in the form of a sealed indictment against unaware suspects who are arrested later by a surprise police visit.
3. Coroner's jury is another kind of jury system. This can be convened in some common law jurisdiction in connection with an inquest by a coroner. A coroner is a public official (often in the United States), who is charged with determining the circumstances leading to a death in ambiguous or suspicious cases. A coroner's jury is generally a body that a coroner can convene on an optional basis in order to increase public confidence in the coroner's finding where there might otherwise a controversy (Section 1245:1 of Pennsylvania's codified law). In practice, coroner's jury are most often convened in order to avoid the appearance of impropriety by one governmental official in the criminal justice system toward another if no charges are filed against the person causing the death, when a governmental party such as a law enforcement officer is involved in the death (inquest Schedule, Jury Findings and Verdict, 2013).

Functions and duties of a juror:

Jurors fulfill very important functions in the legal system. In a criminal trial, they are charged with the responsibility if deciding whether, on the facts of the case, a person is guilty or not guilty of the offense for which he or she has been charged. The jury must reach its verdict by considering only the evidence introduced in court and by the directions of the judge. The jury does not interpret the law. It is the role of the judge, not the jury to determine what law applies to a particular set of facts. Occasionally, jurors find the law to be invalid or unfair, and on that basis acquit the defendant, regardless of the evidence presented that the defendant violated the law. This is commonly referred to as "jury nullification of law" or simple jury nullification.

The role of the jury is described as that of a finder of fact, while the judge is seen as having the sole responsibility of interpreting the appropriate law and instructing the jury accordingly. The jury determines the truth or falsity factual allegations and renders a verdict on whether a criminal defendant is guilty, or a civil defendant is civilly liable. Sometimes, a jury makes specific findings of fact in what is called a "special verdict". A verdict without specific findings of fact that includes only findings of guilty, or civil liability and an overall amount of civil damages, if awarded, is called a "general verdict".

In the United States, juries are sometimes called on, when asked to do so by a judge in the jury instructions, to make factual findings on particular issues. This may include, for example, aggravating circumstances which will be used to elevate the defendants' sentence if the defendant is convicted. In Canada, juries are also allowed to make suggestions for sentencing periods at the time of sentencing. The suggestions of the jury are presented before the judge by the crown prosecutor(s) before the sentence is handed down. A small number of U.S jurisdiction Texas, gives juries the right to set sentences as well as to find guilt or innocence. Jurors may send out notes asking for the law to be further explained or for the judge to remind them of the

details of the evidence. They will then be brought back into the court for the judge to give them such assistance as he or she can, but there can be no new evidence at this stage.
The jury has no role in sentencing. This decision is left up for the judge following submissions made by both sides.
The jury rules include the following: jurors must:

- Decide the facts of the case only;
- Take directions relating to law from the trial judge, whether or not they agree with him or her;
- Remain impartial and independent;
- Remain uninfluenced by any person. It is an offence for any person who is not a member of the jury to attempt to influence a juror in any way;
- Keep statements made in the jury room confidential. Jurors should not discuss the case with any person other than members of the jury, it is contempt of court punishable by fine and or imprisonment to repeat any statement made in the jury room.

The juries act of 1976, created the following offences punishable by fines'

- Failing to attend for jury services without reasonable excuse, or not being available when called upon to serve as a juror or being unfit for service by reason of drink or drugs.
- Making or causing to be made on your behalf false representations
- Serving on a jury knowing you are ineligible or disqualified.
- Giving false or misleading answers to the presiding judge regarding your qualification for jury service.
- Making or causing to be made on belief of a person summoned as a jury any false representations to enable him or her to evade jury service.

Evidence has shown that jurors typically take their roles very seriously (Simon, 1989). According to Simon (1980), jurors approach their responsibilities as decision makers much in the same way as a court judgment with great seriousness, a lawful mind, and a concern for consistency that is evidence-based. By actively processing evidence, making inferences, using common sense and personal experiences to inform their decisions making. Research has indicated that jurors are effective decision makers that seek thorough understanding, rather than passive, apathetic participants unfit to serve on a jury (Human Genome Project Information Site, 2013).
Throughout American history, juries have played a pivotal role in keeping the government from overstepping its bounds. But juries are not a magic wand, for them to return true verdicts:

- Juries must be truly representatives of their communities.
- Juries must be permitted to search for the truth.
- Juries must be permitted to render verdicts according to the dictates of their conscience; this is not an innovation to anarchy, but rather a commonsense step to insure the triumph of justice.

There are two typical scenarios where unjust prosecutions occur..One is where a criminal statute has been poorly crafted and runs counter to the moral consensus of the community. The second is when the problem is not the law itself, but rather an absurd or unjust application. This work is anchored on theory of justice as a theoretical framework:

Theory of Justice

A theory of justice is propounded by John Rawls. In this Rawls argued that the concept of

freedom and equality are not mutually exclusive. His assessment of justice system leads him to conclude that for justice to be truly just, everyone must be afforded the same right under the law, Rawls, a philosopher who held the James Bryant Conant University Professorship at Harvard University, published several books and many articles. He is chiefly known however, for his book, a theory of justice, an effort to social justice. The work has greatly influenced modern political thought.

Rawls was dissatisfied with the traditional philosophical arguments about what makes a social institution just and about what justifies political or social actions and policies. The utilitarian argument holds that societies should pursue the greatest good for the greatest number. This argument has a number of problems including especially, that it seems to be consistent with the idea of the tyranny of majorities over minorities. The intuitionist argument holds that humans intuit what is right or wrong by some innate moral sense. This is also problematic because it simply explains away justice by saying that people "know it when they see it," and fails to deal with the many conflicting human intuitions.

Rawls attempts to establish a reasoned account of social justice through the social contract approach. This approach holds that a society is in some sense an agreement among all those within that society. If a society were an agreement, Rawls asks, what kind of arrangement would everyone agree to? He states that the contract is a purely hypothetical one: He does not argue that people had existed outside the social state or had made agreements to establish a particular type of society.

Rawls begins his work with the idea of justice as fairness. He identifies the basic structure of the society as the primary subject of justice and identifies justice as the first virtue of social institutions. He considers justice as a matter of the organizational and internal divisions of a society. The main idea of a theory of justice asks, what kind of organization of society would rational persons choose if they were in an initial position of independence and equality and were setting up a system of cooperation? This is what Rawls sees as a hypothetical original position: the state in which no one knows what place he or she would occupy in the society to be created.

After considering the main characteristics of justice as fairness and the theoretical superiority of this approach to utilitarianism, intuitionism, or other perspectives, Rawls looks at the principles of justice. He identifies two principles: One, that each person should have equal rights to the most extensive liberties consistent with each other enjoying the same liberties; and two, that inequalities should be arranged so that they would be to everyone's advantage and arranged so that no one person would be blocked from occupying any position. From these two principles Rawls derives an egalitarian conception of justice that would allow the inequality of conditions implied by equality of opportunity but would also give more attention to those born with fewer assets and into less favorable social positions.

Rawls concludes the first part of his book by looking at the idea of the original position outside society. This hypothetical original position can be approximated by using the thought experiment of the vein of ignorance. If no one could know what place he or she would occupy in the society being formed, what arrangement of the society would a rational person choose? Rawls maintains that the choice would be for a social structure that would best benefit the unknowing chooser if she or he happened to end up in the least desirable position.

In the second part of the work, Rawls considers the implications of his view of justice for social institutions. He discusses in detail equal liberty, economic distribution, and duties and obligations as well as the main characteristic of each that would make up a just society. He does not, however, identify any particular type of social or political system that would be consistent

with his theory. He deals only with the demands that his vision of justice places on institutions.
In the third and final section, Rawls deals with ends or ultimate goals of thinking about social justice. He argues for the need to have a theory of goodness, and he makes a case for seeing goodness as rationality. Then, he turns to moral psychology and considers how people acquire a sentiment of justice. Finally, he examines the good of justice, or how justice is connected to goodness. Rawls argues that in a well-ordered society, ideas of goodness and justice must be consistent with each other.

Discussion

Nigeria's adversarial justice system, pitches the prosecutor against the defense, in a fierce evidential "duel" as to the guilt or otherwise of an accused person.That leaves a stand-alone bench to determine on the basis of the weight of evidence-whether the accused person is innocent or guilty. This tradition was inherited from the British common law. The "fate' of an accused person therefore rests solely on the bench-a single judge at first instance trial-who applies the facts to the law, to arrive at a conviction or acquittal. Thus practice has never seriously been questioned whether jurisprudentially, procedurally or if it works justice for accused persons. Although there are further destinations of appeals, that is, from the high court judge, to the court of Appeal sitting as a 3 justice panel; finally, to the Supreme Court, constituted by a 5 man panel of justice. There are calls for the US and civil law style trial by judge and jury, but this has so far not gained sufficient currency to warrant an interrogation of the state of the present criminal justice system in Nigeria. Against this backdrop, adopting forensic techniques such as psychological factors in presenting evidence, eye witnessing, perceptual awareness, plea of insanity and lie detecting will go a long way in helping the Nigerian judiciary in enthroning and sustaining an enduring legal system in the country. Trial by judge and jury is composed of a single trial judge who gives legal advice on matters of law and procedure and provides legal direction to the jury members. The members of the jury are them come to conclusions of either guilty or acquittal. Jurors are "ordinary citizens" competitively selected randomly. They are not required to have legal knowledge, nor be connected with the accused person or case in anywhere. They are also scrutinized by counsels should they find any reason to do so. A jury is usually composed 12 members who must deliberate consequently to arrive at a verdict of guilty or not guilty, on the strength of the evidence and facts presented in open court.

Democratic societies founded on the liberal ideals of freedom and equality has embraced jury system despite its shortcomings. While some western nations have provided alternatives to trials by jury or have not established theirs as a guaranteed right in the American tradition, they all nonetheless maintain the system as a vital facet of their own unique jurisprudence. To greater or lesser degrees, western cultures believe a mechanism should be in place wherein, if justice is better served, laws can be ignored if equal citizens deem it appropriate. The jury system promotes the adherence to law while allowing for exception should the sample of society deem it appropriate. Socrates concludes his defense speech by essentially summing up his defense of juries: "for I believe men of Athens… And I turn it over to you and to the gods to judge me in whatever way it is going to be best…" (Plato, 889, 35d).

The trials of Orestes and Socrates encapsulate the full spectrum of issues, emotions and practicalities relating trials by the jury. The tribulations common to almost all juries are apparent with both cases, as are the positive aspects. They provide particular insight into the question of why and how democratic societies have embraced the system based on equality and civic

engagement in spite of the inherent limitations. Thus embrace is uniquely democratic and as such based on certain ideals not shared with much of the world. In politics, Aristotle suggest that democracy's primary virtue is its capacity to permit regular citizens gathered from different backgrounds to achieve a "collective wisdom" that no one person could achieve autonomously. At its finest, the jury is the last, best refuge of this connection among democracy, equality and the achievement of justice.

The protection of the rights and liberties would be achieved through the teamwork of judge and jury who, working together in common efforts, put into practice the principles of our great heritage of freedom. The judge determines the law to be applied in the case while the jury decides the facts. Thus, in a very important way, jurors become a part of the court itself. Jurors must be men and women possessed of sound judgment, absolute honesty, and a complete sense is fairness. Jury service is a high duty of citizenship. Jurors aid in the maintenance of law and order and uphold justice among their fellow citizens. Their greatest reward is the knowledge that they have discharged this duty faithfully, honorably and well. In addition to determining and adjusting property rights, jurors may also be asked to decide questions involving a crime for which a person may be fined, placed on probation or sent to psychiatric homes or confined in prison. In a very real sense, therefore, the people must rely upon jurors for the protection of life, liberty and the pursuit of happiness.

Equally important is the fact that juries are one of the most democratic aspects of the constitutions; they are democracy in action everyday of the week, there is no other part of the constitution that is so open to the public, where ordinary people participate in decisions of such immediate importance and wield real power. There are jurors setting the fates of their fellow citizens in crown courts up and down the country every time, determining by their verdicts whether or not defendants are guilty of the most serious crimes of violence and dishonesty such as murder, rape, robbery and fraud.

Jury system will help to reduce high rate of corruption in Nigeria. It may be more difficult to corrupt 12 jurors than one or several judges. It also reduces that chance that a mistake of fact will be made. It may be that one or two on the jury don't believe the witness or the defendant, but that all 12 will be wrong is unlikely. Those who argue for trial by judge will have to accept that judges make mistakes and they are not infallible. But what if the judges make a mistake of fact chooses to believe the wrong witness, one that only a minority of the jurors would have believed? There is no remedy for that kind of mistake.

Another reason why trial by jury is necessary is this age of mass media, where most people derive their knowledge of what goes on in a court from what they read in the paper and see on television. But no newspaper report or TV item can possibly convey all the detail and sublets of the hours of evidence given in court. An editing process is taking place; even the most impartial reporter has to filter the evidence. If all that citizens know of the criminal justice system is what they read in the papers and see on TV, they are going to get a misleading impression of how it works and that misleading impression can corrode their faith in the system.

By bringing ordinary citizens into the system and placing them at the very heart of the decision-making process, trial by jury exposes the criminal justice system to their scrutiny while ensuring they gain first-hand experience of how that system works. Trial by jury helps the criminal justice system reflect the values and standards of the general public. It is vital for the health of the criminal justice system that citizens participate in and it is vital for democracy, which might explain why politicians are always seeking to limit that participation.

Through a Jury judicial system, such that unilateral powers were taken off governments of the

day to checkmate them from abusing their offices and derailing their heroes and fore fathers American dreams. Yes the legislatures and judiciary were present and today are still present but without the people understanding so as not to feel disenfranchised and cause even the people to derail the process, the people had to be someway, part of every government. This was made possible through the jury system, which over the years has evolved and being used as their citizens' way of imbibing the norms of sustaining the legacy laid down by their fathers.

Every citizens and leader in the American government, from Mayor to Legislator to President, first understood their system, imbibed their culture which was only possible because the change and improvements they wanted to make as successive government, they understood the importance of carrying every citizen along in these processes, which meant retaining the Jury system. One cannot today expunge that system from the USA, because proper understanding has made them recognize the place of the law to maintain order and bring development to their people and left to them the most effective way of making every citizen comply with that law by making them a part of the law through the jury.

Today, they pride themselves as GOD's own nation and like we also include GOD in our National pledge to make us have a sense of the father's presence in the affairs of our nation, we forget his laws and that living according to laws is the easiest way for peace and development to reign. Today, when we look at the level of development of their stability, progress and the rate of technology and development, we should really believe that jury system is a good system to imbibe.

Finally, it is by no means suggested here that the introduction of trial by adopting forensic psychology and jury will be the cure-all panacea for the broken criminal justice system in Nigeria. Institutional corruption, personal aggrandizement; poor investigative skills, all play equally significant roles. What is strongly advocated is the possibility of reworking the justice system to be more "people friendly" the system is so detached from Nigerians. At the state level, Judges and Magistrates are "appointed" unlike in the US where they are "elected" by the people. Nigerians are so disconnected from the system that they regarded institutions as the enemy. The judiciary is an independent arm of government, therefore should be clear separation of powers and "purpose". Justice must be seen to be manifestly and transparently delivered. Jury trial might just be one way of guaranteeing that, going forward.

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