

IN THE SUPREME COURT OF NIGERIA
HOLDEN AT ABUJA

Appeal No. CA/A/1053/2019
SC. 1/2020

BEFORE THEIR LORDSHIPS

HON. JUSTICE MARY U. PETER-ODILI,	JSC
HON. JUSTICE OLUKAYODE ARIWOOLA,	JSC
HON. JUSTICE JOHN INYANG OKORO,	JSC
HON. JUSTICE AMINA ADAMU AUGIE,	JSC
HON. JUSTICE EJEMBI EKO,	JSC

On Appeal against the Judgment of the Court of Appeal, Abuja Judicial Division delivered on the 23rd day of December, 2019.

BETWEEN:

- | | | |
|--|---|------------|
| 1. Peoples Democratic Party (PDP) | } | Appellants |
| 2. Senator Douye Diri (Governorship Candidate of PDP, in the November 16 th , 2019 Bayelsa State Governorship Election) | | |
| 3. Senator Lawrence Ewhrudjakpo (Deputy Governorship Candidate of PDP in the November 16 th , 2019 Bayelsa State Governorship Election) | | |

AND

- | | | |
|---|---|-------------|
| 1. Biobarakuma Degi-Eremienyo (APC Deputy Governorship Candidate for Bayelsa State) | } | Respondents |
|---|---|-------------|

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13/02/2020
in Oluwakode, Esq
REGISTRAR
Supreme Court of Nigeria

2. Lyon David Pereworimin
(APC Governorship Candidate
for Bayelsa State)
 3. All Progressives Congress
(APC)
 4. Independent National
Electoral Commission
(INEC)
- } Respondents

N. N. Nwagwu
 JUSTICE, SUPREME COURT
 (PRESIDING)

Thursday, the 13th day of February, 2020

UPON READING the Record of Appeal herein and after hearing Yunus Ustaz Usman SAN. (Sir F. N. Nwosu Esquire, Udu Diegbe Esquire, Lona Aako-Adekwu Esquire and Andrew O. Ijeri Esquire, with him) of Counsel for the Appellants; M. J. Numa Esquire, (Julius Iyekoroghe Esquire, I. G. Kelubia Esquire, Y. M. Zakari Esquire and T. M. Eke Esquire, with him) of Counsel for the 1st and 2nd Respondents; Audu Anuga Esquire, (I. S. Ibanichuka Esquire, Festus Jumbo Esquire, Samson Eigege Esquire and Adewale Adegboyega Esquire, with him) of Counsel for the 3rd Respondent; T. M. Inuwa SAN. (Alhassan A. Umar SAN. Wendy Kuku Esquire, Bashir M. Abubakar Esquire and S. M. Danbaba Esquire, with him) of Counsel for the 4th Respondent and Chimezie Victor C. Ihekweazu SAN, (Sir F. N. Nwosu Esquire, Chris Okeke Esquire, C. C. Obiefule Esquire and Andrew Obinna Ijeri Esquire, with him) of Counsel for the Appellant in SC. 2/2020.

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Chimezie Victor C. Ihekweazu
 13/02/2020
 Supreme Court

IT IS ORDERED:-

1. that this appeal be and is hereby allowed;
2. that the Judgment of the lower Court delivered on the 23rd day of December, 2019 be and is hereby set aside;

3. that the Judgment of the Trial Court delivered on the 12th day of November, 2019 including all the orders made therein be and is hereby reinstated;
4. that the Joint ticket of the 1st and 2nd Respondents sponsored by the 3rd Respondent was vitiated by the disqualification of the 1st Respondent;
5. that both Candidates disqualified be and are hereby deemed not to be candidates at the Governorship Election Conducted in Bayelsa State;
6. that INEC (the 4th Respondent herein) declare as winner of the Governorship Election in Bayelsa State the Candidate with the highest number of lawful votes cast with the requisite constitutional (or geographical) spread;
7. that the 4th Respondent (INEC) shall withdraw the Certificate of Return issued to the 2nd and 1st Respondents and issue Certificate of Return to the Candidate who had the highest number of lawful votes cast in the Governorship Election and who also had the requisite constitution (of geographical spread);
8. that the Parties bear their respective Costs; and
9. that by consent of all Counsel, Appeal SC. 2/2020 shall abide the outcome of this Appeal No. SC. 1/2020

CERTIFIED TRUE

Cyir Okoye, JSC
REGISTRAR
Supreme Court of Nigeria

[Signature]
CHIEF REGISTRAR