

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT APO – ABUJA**

THIS FRIDAY, THE 2ND DAY OF DECEMBER, 2021.

BEFORE: HON. JUSTICE JUDE O. ONWUEGBUZIE – JUDGE

CHARGE NO: FCT/HC/CV/CR/408/2021

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA - COMPLAINANT

AND

MORRISON MARVIN TOBOLAYEFA - DEFENDANT

Defendant - Present in court.

AliyuBokani- Usman Appearing for the Prosecution

H.M Nuhu- Appearing for the Defendant.

J U D G M E N T

The Defendant Morrison Marvin Tobolayefawas arraigned before this Court on the 11th Day of November, 2021 on one count charge of attempt to cheat by deceiving contrary to **section 95 and punishable under section 322 of the Penal Code Act, Laws of the Federation 1990.**

The one count charge reads:

That you Morrison Marvin Tobolayefasometimes in 2021 at Abuja within the jurisdiction of this Honourable Court, by deceiving did attempt to cheat one Happy

Wase, an unsuspecting US Citizen by representing yourself as one John William, an American Male who works as a drill supervisor in Turkey high sea through the means on CHAT-ME APP in order to facilitate your attempt to obtain financial gains, which representation you know to be false and that you thereby committed an offence contrary to **Section 95 and punishable under section 322 of the Penal Code Act, Laws of the Federation (Abuja) 1990.**

When this matter came up for arraignment on the 11th day of November, 2021 before this court, the Prosecution informed the court that they have a one count charge against the Defendant before this court. That the said charge is dated 8th day of September, 2021 and humbly applied to this court for the charge to be read to the hearing and understanding of the Defendant.

The charge was read out to the hearing and understanding of the Defendant, the court asked the Defendant whether he understood the charge read against him in English Language. The Defendant answered in the affirmative. The court asked the Defendant whether he is guilty of the offence or not. The Defendant pleaded guilty to the charge.

In view of the plea of guilty by the Defendant, Prosecutor adopted the Plea Bargain Agreement that was mutually signed by the Defendant, his counsel and the Prosecution. That the plea bargain was agreed on the terms in line with **section 270 of the Administration of Criminal Justice Act, 2015** and urged the court to consider the terms of the Plea Bargain Agreement while sentencing the Defendant.

The Counsel to the Defendant also adopted the Plea Bargain Agreement and told the court that the Defendant has complied with the prerequisite of the plea bargain and that the Defendant has also been consistent in fully and effectively cooperating with the prosecution during the investigation. That the Defendant is a first offender and he is very remorseful and stepped up to assume responsibility for his action of

which the Defendant is very sorry. The Counsel then urged the court to temper justice with mercy while sentencing the Defendant.

Pursuant to **section 270 subsections (9) & (10) of the Administration of Criminal Justice Act, 2015**, the court asked the Defendant to confirm the terms of the agreement. The Defendant admitted all the allegations contained in the amended charge to which he pleaded guilty and agreed entering into the plea bargain agreement voluntarily without any influence or coercion. The Defence counsel confirmed being part of the plea bargain agreement.

It is on this premise, that this Honourable Court after being satisfied that the Defendant is guilty of the charge preferred against him, convicted Morrison Marvin Tobolayefathe Defendant in this case for attempt to cheat one Happy Wase, an unsuspecting US Citizen by representing himself as one John Williams, an American Male who works as a drill supervisor in Turkey sea through the means on CHAT-ME APP in order to facilitate his attempt to obtain financial gains, which representation he knows to be false thereby committed an offence contrary to **Section 95 and Punishable under Section 322 of the Penal Code Act, Laws of the Federation (Abuja) 1990**.

Section 270 ACJA provides the modalities for plea bargain agreement and permits the parties to propose the nature of the sentence to be meted on the defendants the Judge has a direction under the law to adopt the plea bargain as proposed by the parties or reject same if not adequate having regard to his view of the case where an offence is rampant and there is need to discourage further spread of same in the society, the sentencing

guidelines encourage that this be reflected in the sentence imposed as a form of deterrence it seem to me that the offence with which the defendant is charged in this instant falls into this category.

Having taken into consideration of the facts of this case, the punishment prescribed for it by law, and the terms of the plea bargain filed an adopted in court. I hereby sentence the defendant to three months imprisonment as agreed in the plea bargain document. The computation of this sentence shall take into account the period spent in custody by the defendant from 11th November,2021 to date as required by section 416 92) e of the Administration of criminal Justice Act 2015.

This is the Judgment of the Court.

Hon. Justice Jude O. Onwuegbuzie