

IN THE HIGH COURT OF JUSTICE OF THE F.C.T.

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT ZUBA, ABUJA

ON FRIDAY THE 16TH DAY OF JUNE, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE K. N. OGBONNAYA

JUDGE

SUIT NO.: FCT/HC/CR/391/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA --- COMPLAINANT

AND

**GIDEON ENAHORO ASIKELE
(A.K.A KIM GOOD CHUL-MOO) --- DEFENDANT**

BENCH JUDGMENT

In this case Gideon Enahoro Asikele a.k.a Kim Good Chul-Moo was arraigned a short time ago on a one count charge bordering on allegation of pretending to be a Korean working in the US Army. It was alleged that he fraudulently presented himself to one Senyan via senay8809@gmail.com. He met the said Senyan online while using the name of Kingoodchulmoo@gmail.com.

It is alleged that he obtained from the Senyan Bitcoin currency valued at **Six Hundred Thousand Naira (N600,**

000.00) the act is an offence under **S. 321 of the Penal Code Act** and is punishable under **S. 324 of the Penal Code Act**.

The Court had read out the lone charge to him in English Language which he said that he understood when he was asked whether/if he is guilty or not and he answered thus:

“I am guilty.”

It is the law that once an accused person who is arraigned pleads Guilty to an offence he is charged with, that the Court will immediately convict him. Then sentencing follows.

But with the advent of ACJA and the provision of S. 270 – 278 of the ACJA on Plea Bargain, parties in a criminal matter can have a Plea Bargain Agreement entered into even before arraignment. They can pen down the terms of the Plea Bargain and sign same and filed it in Court and adopt that in lieu of sentencing. Once that is done and Court sees that it was voluntarily entered into, the Court will sentence the Defendant according to the agreement of the parties contained in the said Plea Bargain Agreement.

In this case the Court hereby convicts the Accused/Defendant – Gideon Enahoro Asikele a.k.a Kim Good Chul-Moo for the offence of impersonation as charged in the said one Count Charge. This Court hereby

convicts you, Gideon Enahoro Asikele (a.k.a Kim Good Chul-Moo) for the offence of cheating and obtaining money by false pretence as charged in this case, the Court having read the Charge to the Defendant and he taken a Plea of Guilty.

Once a Defendant is convicted the said Defendant becomes a Convict.

The Defendant Counsel, Abel Adeji made allocutus as it is customary in criminal cases where a person has been convicted.

The Defendant Counsel told Court that the Defendant is a first time offender with no previous criminal record. That he is a graduate – an Economist. That he is remorseful and has learnt and is now into fashion designing as a vocation. He told Court that the Convict intends to file an Affidavit of good conduct which he intends to present before this Court. He urged the Court to temper justice with mercy in sentencing – given the Convict a non-custodial sentence. That Court should consider his age.

COURT

In life there is always a first time. The first time that a child is conceived in its mother's womb, first time that a child takes breath, the first time that the child cries upon birth, first time the child sucks its mother's breast, the first time the child eats liquid food, solid food, first time

the child bits with his milk teeth, first time the child laugh and mumble words, first time the child sits without help and first time the child takes step and walks. First time at school – Nursery, Primary and University. First time the child has a phone, opens an E-mail, browse the internet. First time the child will get and start chatting with another person on the internet. First time the child explores the Bitcoin and first time the child decided to obtain Bitcoin currency. First time the money is credited in his Account after the first time he had opened an Account for that purpose. There is also a first time the child is tracked by Economic and Financial Crimes Commission (EFCC) and first time he is arrested and first time he is detained, granted Admin Bail and brought before the Court for arraignment and first time of pleading Guilty and first time he is convicted and first time of entering into Plea Bargain and is sentenced. In life there is always first time for everything.

This Court had looked and gone through the said Plea Bargain Agreement entered into by the parties in which they agreed that the Convict should forfeit his I-phone 13 and Apple MacBook which are the instrument used by him in the perpetration of the crime. They also agreed that the Convict should forfeit the **Six Hundred Thousand Naira (N600, 000.00)** proceed of the crime to EFCC. They agreed for One (1) year imprisonment or a fine of **Two Hundred Thousand Naira (N200, 000.00)** to be paid by the Convict/Defendant all in lieu of sentence.

This Court had recorded the application by the Defendant Counsel that the Convict still intends to file an Affidavit of good behavior but Plea Bargain Agreement has been adopted as the full and final Agreement of the parties as far as this matter is concerned.

This Court having read out and gone through the Plea Bargain Agreement which parties had earlier adopted hereby sentences you, Gideon Enahoro Asikele (a.k.a Kim Good Chul-Moo) to Three (3) months imprisonment to be served at the Suleja Prison for the offence which you pleaded Guilty to today the 16th day of June, 2023.

This is the Bench Judgment of this Court.

**Delivered today the ___ day of _____ 2023 by
me.**

K.N. OGBONNAYA
HON. JUDGE