

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/20/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA --- COMPLAINANT

AND

UGONNA CHIDINMA NNAWUCHI --- DEFENDANT

BENCH JUDGMENT

In any criminal matter where a person accused of a crime is brought before the Court and the charges are read out to him/her in a language she understands and she is asked whether guilty or not guilty and she answers “Guilty,” the only thing remaining for the Court is to convict or pronounce that the Defendant is convicted of the offence charged. The next thing is for sentencing to be pronounced accordingly. There and then the matter ends. But with the advent of ACJA in 2015 the Defendant can even before arraignment enter into Plea Bargain

Agreement which is like amicable settlement of the matter in dispute in civil matters and agreed to plea guilty to the offence and then in lieu of sentencing the Court will take the agreement in the Plea Bargain Agreement and pronounce same as the sentence.

Again, with the coming into force of the ACJA also comes into force the call to do non-custodial sentence where the Court feels that the case deserve to do so.

In this case before this Court the Defendant, a woman of maturity age – Ugonna Chidinma Nnawuchi, who is present before this Court and to whom the charge was read is accused of criminal offence – conspiracy to commit illegal act of cheating contrary to **S. 320 of the Penal Code** and punishable under **S. 97 (2) of the Penal Code**. She is also accused of defrauding deceitfully with one Austin Owerito Mike (now at large) one Shautrical Johnson a US citizen. She is accused of extorting the sum of **Forty Three Thousand, Nine Hundred US Dollars (N\$43, 900.00)** from the said Shautrical Johnson. That criminal act is an offence under S. 320 of the Penal Code and punishable under S. 322 of the same Code. The said Ugonna Chidinma Nnawuchi had pleaded “Guilty” to the 2 Count Charge when it was read to her in Court today in English Language which she understands.

This Court hereby convicts you – Ugonna Chidinma Nnawuchi to wit:

That you – Ugonna Chidinma Nnawuchi having pleaded guilty to the 2 Count Charge of conspiracy to cheat and fraud is hereby convicted of the said offence.

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Once a person is convicted, it is the law and trite that the person nomenclature has changed from Defendant to a Convict.

In this case since the said Ugonna Chidinma Nnawuchi has been convicted of the offences she is henceforth known as a Convict.

So the Convict having pleaded guilty, the Court had granted her Counsel application for allocutus.

In the Allocutus the Defendant Counsel had told Court that he is standing for the Convict on humanitarian ground. That she had spent One (1) month in detention and had a Child of two (2) years and is happily married but her husband is not in Court today. That she came to know her fate. The Defendant Counsel had stated that the Convict is remorseful for her act. He had urged Court to exercise its discretion to give the Convict a second chance to life because of her Children who the Defendant Counsel claims are in Convict's State.

This Court is in receipt of the Plea Bargain Agreement filed by the parties. The Defendant Counsel – Abel Abiyi had stated on record that the Defendant entered into the Plea Bargain voluntarily.

The Court had gone through the Plea Bargain Agreement and parties agreed that they had recovered **Twenty One Thousand US Dollar (\$21, 000.00)** and placed a Post-No-Debit on the sum of **Twenty Two Thousand US Dollars (\$22, 000.00)** in the Account of the Convict which shall be restituted to the Economic and Financial Crimes Commission (EFCC) which is the Prosecuting authority.

They also agreed that in lieu of sentence that the Convict shall either pay the sum of **Five Hundred Thousand Naira (N500, 000.00)** payable to EFCC or serve Six (6) months imprisonment.

This Court based on the above Plea bargain Agreement hereby sentences you, Ugonna Chidinma Nnawuchi to Six (6) 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