

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**

**IN THE GWAGWALADA JUDICIAL DIVISION**

**HOLDEN AT GWAGWALADA- ABUJA**

**THIS WEDNESDAY THE 25<sup>TH</sup> DAY OF JANUARY, 2023**

**BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI**

**SUIT NO: FCT/HC/CR/43/2022**

**BETWEEN:**

**FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT**

**AND**

**ABEYI OGHENEYERHOVWO.....DEFENDANT**

Court: case adjourned for arraignment defendant present in court appearance: S. N. Roberts with C. ObasiOkoh for the prosecution.

Defence Counsel: Suleiman Mohammed for the defendant

Prosecution: the matter is slated for arraignment and before then, we must humbly apply that counter two on the charge sheet be struck out.

Court: defence counsel: do you have any objection

Defence counsel we have no objection to the application made by the prosecution to strike out count two on the charge sheet.

Court: application made by the prosecution to strike out count two on the charge sheet being an offence contrary to section 6 or 8 (b) of the advance fee fraud and other fraud related offences Act, 2006 punishable under section 1 (1) (3) of the same Act is hereby struck out and the defendant's discharged

Prosecution: we apply pursuant to section 356(1) of ACJA 2015 that the one count charge be read to the hearing of the defendant.

Court clerk: read the charge to the hearing of the defendant to enable him take his plea.

Court: the charge is read and explained to the defendant. The defendant's called upon to reply to the said charge.

Court: defendant, do you understand the charge read and explained to you

Defendant yes I did

Court: defendant are you guilty or not guilty?

Defendant: I am guilty

Prosecution

In view of the plea of guilt entered by the defendant we most humbly ask the court to convict and sentence the defendant accordingly.

### **CONVICTION**

I am satisfied that the defendant having understood the content of the charge read and explain to him in English language and admitted same, knowing fully the consequences of his admission, this court will accept the defendant's admission, and subsequently convict the defendant for the offence contrary to section 321 of the pleading and punishable under section 324 of the same act by this court.

Defendant: I shall like to plea to allocutus.

Allocutus:

I want to beg the court for mercy, I know I am paying for my crime I am deeply sorry for what I have done I want to beg the court that I am a change person now. And I know the consequence of fraud I don't went to venture into it anymore. I feel so sorry I am married with a son and i don't intend my child growing up seeing me doing this

I wish the court will accept my apology and temper justice with mercy

Defence counsel: on behalf of the convict, the timeous plea of the convict is a sign of remorse, and the convict is a first time offender with no criminal incident from any court of law.

I Urge the court in sentencing to sentence the convict to a non-custodial sentence.

The justice of the court is not only punitive but reformative urging the court sentence the convict either to a fine or community service.

Court prosecution:do you have any evidence of past conviction by the convict to your knowledge.

Prosecution No: the convict is a first time offender.

That the convict while in their custody during his investigation cooperated with their investigation, was sober and behaved well.

## SENTENCE

That sometimes in the 2022 you AbayiOghenenyehovwo of the FCT, cheated by impersonation to wit, created a fake user name, - [cadleb1962@gmail.com](mailto:cadleb1962@gmail.com) and sent it to one access platform and facilitate the sale of stolen Bitcoin from fraudsters which you establish benefitted \$1000 united State Dollars (One Thousand US Dollars).

The defendant, now a convict pleaded guilty to the one count charge and in his plea of mitigation of punishment has this to say; I quote

“I want to beg the court for mercy, I know I am deeply sorry for what I have done. I want to beg the court that I am a changed person now.

And I know the consequence of fraud. I don't want to venture into it again or any more.

I feel so sorry, I am married with a son and I don't intend my child to grow up seeing me doing this.

I wish the court will accept my apology and temper Justice with Mercy.

The defence counsel on behalf of the convict prayed the court while sentencing the convict to fine him to a non-custodial sentence that the convict is a first time offender and therefore urged the court while sentencing the convict to give the convict either fine or to a community service. Which the prosecution on the other side stated that the convict while in custody and during his investigation cooperated with their investigation, was sober and he behaved well.

A careful perusal of the plea and all actions made by the said convict, and the defence counsel to the convict, and the response by the prosecution I am satisfied that, the said convict is a changed person right from the custody of the EFCC.

I will accept the plea of allocutus made by the said convict but will say that the act of the said convict leaves much to be decided as the dimensions the yahoo Scammers are going is sadly dangerous which this court close its eye seeing the society going or heading to where our children will or cannot be controlled.

Though the plea was to give the convict a fine or community service in accordance with the provision of the ACJA 2015. Reason being that the convict is now a changed person.

I shall bend backwards in sentencing the convict due to the plea of allocutus made by the convict himself and the defence of being a first time offender.

In view of the foregoing the said convict is hereby sentenced to one-year imprisonment or pay a fine of N250,000.00 in addition to that the convicts to enter a bond to be a good behaviour for the period of two years with two witnesses.

This is my Judgment.

**SIGNED**  
**JUDGED**  
**25/1/2023**