

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA- ABUJA

THIS MONDAY THE 20TH DAY OF NOVEMBER, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/653/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

AJODOH PRECIOUS (AKA CLINTON EAST WOOD)

.....DEFENDANT

Court: this matter is for arraignment

Defendant present in court

Offence: cheating by personation punishable under section 321 of the penal code

Appearance: T. M. Anemeze for the prosecution EFCC.

Defence: A. A. Akpoture for the defendant

Prosecution: before the court is a one count charge dated 19-09-2023 filed on the 20/09/2023, we apply that the said charge be read to the defendant to enable him take his plea.

Court: read the one count charge to the hearing of the defendant

Court: the one count charge is read and explained to the defendant in English the defendant called upon to reply to the said allegation/charge.

Court: defendant do you understand the one count charge.

Defendant: yes I understand

Court: defendant are you guilty or not guilty.

Defendant: I am guilty

Prosecution: in line with the plea of guilty entered by the defendant apply that the defendant be convicted as charged.

CONVICTION

I am satisfied that the defendant having understood the content of the charge read and explained to him admitted same, knowing fully well the consequence of his admission. This court will accept the guilty plea entered by the defendant and convict the defendant for the contrary to section 312 and punishable under section 324 of the penal code and triable by this court.

ALLOCUTUS:

I know there is no excuse for my actions, I am truly sorry for what I have done I know how much it might affect the victim. I have stopped doing this illegal activity before I was arrested I promised that if given a second chance I won't go back to such things.

Defence counsel: the convict is a first time offender without criminal activities he has not wasted the time of the court.

The convict have shown remorse and made the court to know that he has turn a new live and into fish farming.

Just as we have come before the court to temper Justice with mercy and grant the convict a second chance in life.

He is also willing to forfeit all proceed of crime to the court. And has also raise draft as part of the process of crime. We pray the court to consider given the convict an option of fine.

Prosecution: do you have any record of previous conviction on the said convict.

Prosecution: none to my knowledge.

Prosecution: in the course of investigation we recovered I phone 11 promo and laptop 2021 model.

Court: the element used for the commission of the crime is not before the court.

Hence I shall adjourn the matter for sentence till 21/11/2023 by 12: noon for sentence.

The convict be remand at the EFCC custody.

SIGNED

JUDGE

20/11/2023

SENTENCE

The defendant was alleged sometimes in 2022 within the jurisdiction of this Honourable court of the FCT pretended to be one Clinton Eastwood Jr an American and by that assumed character induced Mrs Patricia a citizen of America to deliver to him the of \$8000(Eight Thousand United State Dollars) and hereby committed an offence of cheating by personation contrary to section 321 and punishable under section 324 of the penal code respectively.

The defendant pleaded guilty to the one count charge and was convicted for the offence of cheating by personation punishable under section 324 of the penal code law.

In its plead of allocutus told the court that he knew there was no excuse for his action. That he is truly sorry for what he did and that he knew how much it might have affected the victim.

Furthermore, that he has stopped doing this illegal activity before he was arrested, promised if given another or second chance he won't go back to it again.

The defence counsel to the convict one Barr. A. A. Akpoturu Esq Adding his voice to the allocutus made by the convict, pleaded to the court to temper justice with that the convict is a first time offended without criminal record before any court of law. That the convict has turn a new alive and into fish farming and further stated that just as we have sine and go to God, for mercy, and have come before the court to temper justice with mercy and the court to grant the convict the second chance in life.

That the convict has also forfeited all proceed of crime to the government and has also raise if grant as part of the proceed of crime and urge the court to consider given him (the convict) an option of fine.

On the side of the prosecuting counsel informed the court that they had the course of their investigation recovered one iPhone 11 promo, and a laptop 2021 model. The said item used for the commission of the crime, pray the court that the 2 iPhone 11 promo and the laptop 2021 model be forfeited the government and the money recovered \$800 (Eight Thousand United State Dollars) should also be forfeited to the Federal Government of Nigeria.

I have carefully considered the fact that the convict pleaded guilty to the one count charged have also considered the plea of allocutus made by the convict of the convict by the Defence counsel.

I equally take the cognizance of the fact that the convict is a first time offender, and by his look, has shown sign of remorse and disappointed for his action and more importantly that he has since made a draft for the sum of \$ 800(Eight

Thousand United State Dollars) to be paid to the Account of the FGN and to forfeit all the items used in the commission of the crime.

Nevertheless, having considered the plea of allocutus made and also the convict being a first time offender I believe he has regretted his action with the hope that he will never go back to it in his life time.

Before passing on my sentence I wish to state that most of the crime that is happening that neighbours with high crime rates is related to social any physical problems must times or often cybercrimes occurs because literally citizens encourage and entertain unverified sources to lure them either economically or personally. If we start acting responsibly and more alert, cybercrime, cases can drastically come down in Nigeria.

Unfortunately, cybercrime is a crime that affects everyone at all levels of life. it happens both to the elite and the low class person at different level regardless of their exposure. With this crime affecting the nation, the government and individuals can do a whole lot to stop the perpetrators of the crime, by intervention techniques, that are directed at youths who are at high risk to commit crime, especially if our youths who drop out of school or get involved in gangs. The greater the number of risk present, the greater the risk of criminal involvement. I say no more.

In conclusion, haven said all above, I hereby sentenced the convict to a term of one year in imprisonment however with an option of payment of fine of N250,000.00 order in lieu of imprisonment.

The items recovered in the course of the commission of the crime, the 2 iPhone 11 promo and the laptop be forfeited to the Federal Government of Nigeria by any auction sale and the proceeds be paid to the cofer of the Federal Government of Nigeria through the CBN, together with the \$ 800, (Eight Thousand United States Dollars) I so hold.

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Hon. Justice A. Y. Shafa

