

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA- ABUJA

THIS MONDAY THE 30TH DAY OF NOVEMBER, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/046/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

DAVID CHIGOZIEE (AKA KATE PECTER) DEFENDANT

Court: this matter is for arraignment

Offence: section 321 punishable under section 324 of the penal code.

Defendant present in court

Appearance: Maryam Aminu Ahmed

For the prosecution EFCC.

Defendant GodwillOkorie for the defendants.

Prosecution: the matter is slated for arraignment a charge dated the 10/11/2023 having been to the defendant to enable him take his plea.

Court: the charge is read and explain to the Defendant the defendant is called upon to reply to the said charge.

Court: defendant do you understand the charge.

Defendant Yes I did

Court: are you guilty or not guilty.

Defendant I am guilty.

Prosecution: in line with the plea of guilt by the defendant, urge the court to convict the said defendant for the offence pleaded guilty to.

Following the investigation carried out by the commission the commission has recovered the I phone 6X from the Defendant we apply to tender the said I phone 6X to the court and apply that said Iphone 6X be forfeited to the FRN.

The Defendant also has restituted the sum of \$200 dollars apply that the said sum be paid to the victim one Johnny Villalobos through the EFCC.

CONVICTION

I am satisfied that the Defendant having understand the content of the charge read and explain to him in English Language and admitted the charge by pleading guilty to the one count charge against him.

This court will accept the plea of guilty made by the Defendant and consequently convict the said defendant for the offence punishable under section 324 of the penal code law triable by this court.

Defendant:

I want to plead allocutus

Court: defendant proceed with your allocutus.

Defendant: I am sorry for taking the wrong step and pray never to do that again. I have learned my lesson. I am a plumber by profession and promise to go back to my work.

Defence counsel:

We plead that the court temper justice with mercy as he is a first time offender and has no record of criminality against the defendant.

ACloser reading of section 270 (9) (10) and 11(b) of the ACJA 2015 show that the court has an unfettered jurisdiction as to with the defendant/convict. Plead to the court to exercise jurisdiction by given the convict the most lenient sentence and an option of fine as he has fully made restitution.

Prosecution: is there any past criminal record by the convict to your knowledge?

Prosecution: none

Court: sentence reserved to 30/11/2023 by 2: pm

SIGEND

JUDGE

29/11/2023

The defendant be remanded at EFCC custody till the 1-12-2023 for sentence.

SIGNED

JUDGE

29/11/2023

RESUMED

30/11/2023

Appearance: Maryam Aminu Ahmed for the Prosecution EFCC.

Defendant Victor Adebayo for the defendant

Prosecution: this matter is slated for sentencing and we are ready.

Here is the court sentence:

SENTENCE:

The defendant (David Chigoziee AKA Kate Pecter) was convicted for the offence with intent to defraud contrary to section 321 and punishable under section 324 of the penal code laws of the Federation of Nigeria (Abuja) 1990 respectively.

The convict sometime in October, 2023 at Abuja within the Jurisdiction of this Honourable court with intent to defraud, falsely represented himself as Kate Pecter and sent documents to unsuspecting ladies through the internet which document he claim emanating from them and obtained the of \$ 200 (two Hundred Dollars) from one Johnny Villalobos through Gift Card”

The defendant pleaded guilty and the prosecution urged the court to convict the Defendant having pleaded guilty to the offence and also tendered I Phone 6X recovered from the convict used for his criminal exploit.

Upon conviction on the charge, the Defendant them pleaded allocutus saying that he is very sorry for taking the wrong step and plea never to do it again, he further pleaded that he is a plumber by profession and promised to go back to his work.

The defendant counsel also pleaded further for the convict to temper justice with mercy and also added that the convict is a first time offender with no

previous criminal record against the convict relaying on section 270 (9) (10) and (11) (b) of the ACJA 2015,

Having carefully listened to the plea of Mercy made by the convict and the words added by the defence counsel to the convict, this court is in sympathy with the convict, however, despite the sympathetic nature of the plea of mercy made by the counsel, this court as a court of Justice cannot allow the convict go unpunished for the offence he is found guilty and convicted upon as this will serve as deterrent to other young ones who have taken cybercrime as pathway of making quick money without having regards to the implications.

The convict is hereby sentenced to Six (6) months imprisonment or a fine of N200,000.00 (Two Hundred Thousand Naira)

As regards the proceeds of crime found in his possession (I Phone 6X), it is hereby ordered to be forfeited to the Federal Government of Nigeria and the Forfeited property is hereby ordered to be sold and the proceeds realised from the sale be paid into the proceeds account of the Federal Government of Nigeria through the EFCC.

The convict is to enter a bound to be good behaviour for 6 months.

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Hon. Justice A. Y. Shafa