

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA- ABUJA

THIS TUESDAY THE 11TH DAY OF JULY, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/GWD/CR/70/2023

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

EMMANUEL CHIDERA OKORO.....DEFENDENT

court: case adjourned for arraignment

defendant in court:

offence section under 32 of the penal code of law.

Appearance: S. N. Robert for the prosecution.

Defence: Samuel Akuh for the defendant.

Prosecution: the matter is for arraignment and we apply that the one count to the hearing of the Defendant.

Court: the one count charge was read and explained to the defendant.

The defendant is called upon to reply to the said charge.

Court: defendant do you understand the said charge.

Defendant yes I do

Court: defendant are you guilty or not guilty

Defendant: I am guilty

Prosecution: in view of plea of guilty entered by the defendant, we hereby pray the court to convict the defendant accordingly.

CONVICTION

I am satisfied that the defendant has understood the consequences of the one count charge read and explained to him and pleaded guilty knowing fully well the nature and the punishment of the said offence committed by him.

This court will accept the plea of guilty made by the said convict and will proceed to act on the provision of section 12(8) of the ACJA 2015 to convict the defendant for the offence of attempt to cheat by impersonation contrary to section 324 of the penal code law punishable by this court.

ALLOCUTUS:

I regret my action I allowed myself to be easily influenced by my peers. I am deeply sorry for his actions and I want to say that I am a changed person now.

Defence: the defendant before the court now convict has clearly expressed his regret before the court for having admitted the said offence against the FRN.

We would want to appeal most particularly that the convict has known that there is no excuse whatsoever for indulging in crime and criminality of any nature, especially against the FRN, that no offence under any guise goes unpunished.

The convict has shown remorse and most unfortunately for the fact that he was convinced into the vice or cybercrime as a result of peer pressure which is not an excuse.

Knowing fully well that when the hammer falls it falls hard on any one that runs foul of the laws of the FRN.

We further appeal to the court to look down on the convict with an eye of mercy and forgiveness having shown remorse.

“we do not draw away the bay with the dirty water.

That the period of his arrest and investigation in the hand of the complainant has taught him more than enough lessons from which he had learned and known and come to the full realization of the fact that going against the FRN is will bound.

The convict is a first time offended never being indulge or convict and for any crime against the FRN. Appeal to the court that in sentencing the convict, the court should temper Justice with mercy.

We will be most obliged should the convict be sentenced to a none-custodial sentence necessary for fine to be paid so that the convict knows that there are consequences to every action. Pray the court to grant their application.

Court: prosecution: do you have any previous record of past conviction of the convict known to you?

Prosecution: none

That the convict while in their custody was very remorseful and he said he will like to go into tailoring if given a second chance. In the course of investigation, I-Phone 11 was found with the convict and that was the instrument used in attempting, before he was arrested by the eagle eye.

We apply that the said item, be forfeited to the FRN through the prosecuting agency the EFCC or as the court may decide.

Court: this matter is adjourned to 11-7-2023 for sentence

SENTENCE

The convict, one EMMANUAL CHIDERA OKORO was alleged to have attempted to cheat by impersonation when he falsely represented himself on a social media (face book platform) by creating a profile page with the name Edward Sulosi, a citizen of the united states of America. A fact he knew was false. The charge with number CR/70/2023 was assigned to this honourable court and was filed on the 31st day of May, 2023, subsequently arraignment was then fixed for 10th day of July, 2023. The charge was then read to the defendant and he informed the court that he understood the charge and then pleaded guilty to the said charge. The

prosecution counsel then applied that the defendant be convicted and sentenced accordingly based on his plea of guilty. Upon the plea of guilty of defendant which was taken down in accordance with section 112(8) A C J A, the court then proceeded to convict the defendant, now after the conviction, the court read out possible options before allocutus:

1. In order 13, of the FCT ACJ Rules 2019 provides thus:
 - i. Where the court convicts the defendant, the judge may for the purpose of determining an appropriate sentence conduct a hearing.
 - ii. The hearing may be conducted at a subsequent date appointed by the judge or immediately after conviction.
 - iii. For the purpose of the sentencing hearing, the court shall in line with the provisions of section 311 and 416 of the ACJA:
 - a. consider any mitigation or aggravating or factors disclosed in evidence.
 - b. Consider and apply the sentencing guidelines of the High Court of the FCT.
 - iv. Where by virtue of section 272 of the ACJA or any other law, evidence of previous conviction of a convicted person is required, the court may have recourse to be register of convicted persons provided for under this rule.
2. Plead for mitigation of sentence.

ALLOCUTUS:

The convict then picked the option of pleading by way of allocutus by himself, in his allocutus the convict informed thus honourable court that he regrets his action as he allowed himself to be easily influenced by his peers stating further that he is deeply sorry for his actions and that he is a changed person now.

Defendant counsel further to the plea of allocutus stated that the convict heavily regrets the action he has taken against the federal republic of Nigeria. He also stated importantly that the convict knows that there is no excuse what so ever for

the actions he has taken. Defendant counsel further urged the court to look down on the convict with an eye of mercy and forgiveness.

That the convict has learnt a lot from the period of his arrest till now and he has come to a full realization of the effects his action. Defendant's counsel then asked the court to give a non-custodial sentence to the convict when sentencing true defendant. Prosecution counsel stated that the convict is indeed now remorseful and changed, stating further that he does not have any record of previous conviction of the convict before another court, and that the convict intends to pursue a specific skill/trade which is tailoring if given a second chance.

Prosecution counsel stated further that an i-phone 11 which is the instrument of criminality was also recovered from the convict, he then applied that the phone be forfeited to the federal government through the EFCC as the court may decide.

From my understanding and analysis of the case so far, the convict has said that he was lured into this crime as a result of peer pressure wherein he caved into same and thus made the attempt to cheat individuals he came across on the internet. The lure of crime especially cybercrime, as in this instance is at a peak level amongst our youth in the country, it is a menace that keeps growing and needs to be quenched appropriately and this is what this honorable court must ensure to do in order to play its required part in accordance with the provision of the law. Counsel to the defence also agreed that peer pressure dragged the young defendant into the crime and that he is very remorseful and regrets his action, while this is commendable if true, it is pertinent to emphasize the well-known fact that every man is responsible and accountable for his actions and thus a crime cannot go unpunished.

In the light of all stated above, I hereby sentence the defendant to two days of community service i.e to cut overgrown grasses around the court premises between the hours of 10; 00am and 1:00pm, on the 13th (Thursday) and 14th (Friday) day of July, 2023 and under the supervision of the non-custodial sentencing department of the Nigerian correctional services.

I also order that the iPhone 11 which is the instrument of criminality recovered from the convict should be destroyed and burnt within the court premises.

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Hon. Justice A.Y.Shafa