

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

**IN THE ABUJA JUDICIAL DIVISION**  
**HOLDEN AT GWAGWALADA- ABUJA**

**THIS FRIDAY THE 15<sup>TH</sup> DAY OF DECEMBER, 2023**

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

**SUIT NO: FCT/HC/CR/136/2023**

**BETWEEN:**

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

**AND**

**FEMI ADEOYE (ALIES MARVIN BROWN) .... DEFENDENT**

Court: this matter is for arraignment.

Defence present in court.

Offence: Cheat by personation punishable under such section 324 of the penal code.

Appearance: C. M. Anameze for prosecution EFCC.

Defendant: Samuel Akoh for the defendant.

Prosecution: Before the court is a one count charge dated the 7/12/2023 and file on the 11/12/2023, we apply that the one count charge be read to the defendant as to enable him take his plea.

Court: the charge is read and explained to the defendant. The defendant is called upon to reply to the one count charge.

Court: defendant do you understand the charge.

Defendant yes

Court: defendant are you guilty or not guilty?

Defendant I am guilty

Prosecution: in view with the plea of guilt entered by the defendant apply that the defendant be convicted accordingly.

Court: in view of the defendant's plea of guilt in accordance with the provision of section 112(8) of the ACJA, 2015 accept his plea and proceed to convict the defendant accordingly.

### CONVICTION

I am satisfied that the Defendant having understood the one count charge read and explained to him and pleads guilty knowing fully well the consequences of the plea, this court will accept the Defendant plead of guilt, and convict the Defendant for the offence of attempt to cheat by personation contrary to section 95 of the penal code punishable under section 324 of the Penal Code Law.

Allocutos:

I am an orphan and and lost my daddy since 2002 and my mummy since months back and since then none of the family cares for me and that was when I met a friend that lead me to online business stuff and since then I have not benefited anything that is when I was arrested by the EFCC and have been in the EFCC custody for the past two months and plead to the court to temper justice with mercy as I have no body to pay my fine. I have learnt my lesson.

Defence: The convict is sorry and his remorse before this Honorable court and also the convict having fully realized that no circumstances of life whatsoever is capable of making anyone indulge in any form of crime against the FRN. That being moved by the defendant predicament I decided to take the case pro-bono. The Defendant is a first time offender and crave the indulgence of the of the court to give the Defendant a non custodial sentence as he has learnt his lesson.

Pros: in the course of investigation an infinix phone was recovered from the convictseek the order of the court Tk forfeit the phone to the FGN and the said phone be auctioned and the proceed paid to the account of the FGN through the EFCC.

### SENTENCE

I have carefully listened to the allocutos of the defendant which to my mind it is so touching but nonetheless that does not mean that the convict should indulge in such a crime that he knows will not fetch him anywhere

The convict having spent two months in the custody of the EFCC should be enough punishment and lesson to the convict.

In view of the plea of mitigation of punishment mode the said convict, I shall and order my discretion to discharge the convict with a warning ti the convict never to go back to the crime again. The convict is hereby discharged, the

iPhone recovered from the convict, I order the EFCC format same and return the phone to the convict with a caveat never to use it for any crime whatsoever. The convict should also enter a bond to be of good behavior for a period of 6 months before the court and within the period to report to the EFCC office once in a month for counselling.

.....  
**Hon. Justice A. Y. Shafa**