

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

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

**THIS MONDAY THE 18<sup>TH</sup> DAY OF SEPTEMBER, 2023**

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

**SUIT NO: FCT/HC/CR/626/2023**

**BETWEEN:**

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

**AND**

**ISAAC ROTIMI (AKA PARKER WILLIAMS) .....DEFENDENT**

Court: case for arraignment

Offence attempt to cheat by impersonation section 95 punishable under section 324 of the penal code law.

Appearance: F. I. Hemma Sani for the prosecution. The matter is for arraignment and we have a one count charge before the court dated the 07-9-2023. The defendant is in court, he speaks and understands English, we apply that the one count charge be read to the defendant for him to take his plea

Court: defence do you have any objection?

Defence: no objection.

M. B. Abdulhazeez for the defendant and we do not have any objection for the charge to be read.

Court/clerk read the charge.

Court: the one count charge dated the 7-9-2023 was read and explained to the defendant. The defendant is called upon to reply to the said charge.

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

Defendant: yes I do

Court: defendant are you guilty or not guilty?

Defendant I am guilty

Prosecution we prayed that the court accepts his plea of guilt and convict him in line with the plea bargain agreement filed by the prosecution dated the 18/9/2023

Court: defence counsel do you have any objection?

Defence counsel: we do not have any objection to the conviction of the defence

### CONVICTION

I am satisfied that the defendant haven understood the one count charge read and explained to him and pleaded guilty to the charge knowing fully the consequences of his plea. this court will accept the defendant's plea of guilt and will convict the defendant for the offence of attempt to cheat by impersonation punishable under section 324 of the penal code law triable by this court.

ALOCUTUS:

I am really sorry and promise not to do it again. That I write JAMB and that my two parent are still alive.

I decided to enter Yahoo Yahoo because of bad influence of friends.

Defence: in addition, the defendant is a first time offender who had the opportunity while in the custody to re-evaluate his life closely and the huge problem this has caused his parents who are in court, the defendant is repentant and remorseful and pleas to court that he will be a good ambassador of this country.

It beseechs this court being the last hope of the common to invoke it's power under section 278 (11) (b) of the ACJA 2015 in convicting a lesser sentence to the defendant.

Prosecution: there is no record of previous conviction by the defendant to my knowledge.

COURT: case stood down for 12:30 pm for sentence.

### SENTENCE

The defendant was convicted for the offence of intent to cheat contrary to section 324 of the penal code law.

Facts: that sometime in the year 2023, in Abuja within the jurisdiction of the High court of Federal Capital Territory, did attempt to cheat by impersonation when he pretended to be one Parker Williams an American citizen and in that assumed character cheated upon one Takisha.

The defendant pleaded guilty and in pleading for liable, pleaded to the court to temper justice with mercy, that he is sorry and promised not to do it again. That his parent are still alive and that it was the influence of bad friends that made him indulge in Yahoo yahoo.

The defendant counsel one M.B. Abdullazeez in addition to the allocutus made by the convict stated that the convict is a first time offender who had the opportunity while in the custody to reevaluate his life choices and the huge problem he had caused to his parents who are presently in court. That the convict is repentant and remorseful and pleaded to the court to be an ambassador of this court. That it beseeches this court being the last hope of the common man to invoke its power under section 270 (11) (b) of the ACJA 2015 in considering a lesser sentence to the convict.

I have carefully listened to the allocutus made by the convict and the defendant counsel, the defendant counsel and the plea made by the defence counsel to the court to invoke section 270 (11) (b) of the ACJA 2015 to invoke a lesser sentence cannot be entertained for now as the convict and the complainant have entered a plea bargain hence this court will only adopt the plea bargain entered between the parties in sentencing the convict. I said this because, it is the duty of every responsible citizen to honour the obligation in an agreement he has voluntarily entered into, public policy in Nigeria supports that parties should be made to honour obligations entered into voluntarily between themselves.

See *E. A. Ind. Ltd V NERFUND* (2009) 8 NWLR (pt. 1144) 535 CA.

In view of the above, I shall accept the plea Bargain agreement entered between the parties as my sentence in this case.

Following from the above, the plea bargain agreement entered between the complainant and the defendant dated the 15/9/2023 and filed on the 18/9/2023 is hereby adopted as the sentence of this court.

Hence, the convict is hereby sentenced to one year or a fine of N200,000.00. in addition, the I-phone 13 Gionee which was used as instrument of his criminal exploit is hereby forfeited to the Federal Government Nigeria, with an order that the forfeited I-phone 13 Gionee be sold by the EFCC and proceeds realised from the sale paid to the proceeds of crime account of Federal Government Nigeria.

And lastly the convict is ordered to depose to an affidavit of undertaking to be of good behaviour for one year.

This is my sentence.

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**Hon. Justice A. Y. Shahfa**