

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA- ABUJA

THIS WEDNESDAY THE 29TH DAY OF NOVEMBER, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/052/2023

BETWEEN:

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

ISICHE IVORY OGBOGWU (AKA CLINT WOOD) DEFENDANT

Court: the matter is for arraignment

Offence: personation punishable under section 324 of the penal code

Appearance: F. I. Hemasani for the prosecution.

Defence: M. K. Nwogwu for the defendant.

Prosecution: the matter is for arraignment and we have a one count charge dated the 10-11-2023 and filed the same date.

The defendant speaks English Language we apply that the charge be read to the defendant in order for him to take it's plea.

Court: defendant do you understand the one count charge.

Defendant: yes, I do

Court: defendant are you guilty or not guilty.

Defendant: I am guilty

Prosecution: in line with the plea of guilty of the defendant we apply that the defendant be convicted accordingly.

We equally filed a plea bargain agreement dated 28/11/2023 filed on the same date. We urge the court to adopt the plea agreement entered before the court.

In the course of our investigation we recovered an

IPhone 8 which was used in the commission of the crime and apply that the item be forfeited to the FGN.

CONVICTION

I am satisfied that the defendant before the court having understood the content of the charge read and explained to him and pleaded guilty knowing fully well the consequence of his admission. This court will accept the guilty plea entered by the defendant and convict the defendant accordingly based on his admission of the offence punishable under section 324 of the penal law.

Defendant: I want to plead allocutus.

ALLOCUTUS:

To be honest I realise my mistake at first, I shouldn't have involved myself on any of the problem of internet fraud.

That my time in the EFCC custody made him realise that I should have stuck to my work. I am very sorry, and promise not to go back to the same crime again.

Defence: in addition, that the convict is a first time offender and have never been involved in any kind of crime and also be cooperating with the officer of EFCC on his date of his arrest.

That during his time in the custody the defendant has come to realise that the offence is not good that he attempted this crime merely two weeks before his arrest.

Urge the court to temper Justice with mercy and pray the court to apply section 270 (11) (b) of the ACJA 2015.

Court: sentence reserved to 1:00pm.

SIGNED

JUDGE

29/11/2023

SENTENCE

The defendant was convicted for the offence of attempt to defraud contrary to section 95 punishable under section 324 of the penal code law.

The brief facts of the case are as follows:

The convict sometimes in September, 2023 within the jurisdiction of the court fraudulently impersonated one Clint Wood a citizen of the United States of

America on social media and through Instagram attempted to defraud one Tiffany Marie from Canada.

The defendant pleaded guilty, the prosecution asked the court to convict the Defendant based on his plea of guilt.

The prosecution also informed the court that there is a plea bargain agreement dated 28th of November, 2023 and signed the same day and asked the court to adopt the plea bargain as judgment of this court.

Upon conviction on the one count charge the defendant then pleaded allocutus saying that he realised his mistake and expressed how sorry he is and promised never to go back to the crime again.

The defence counsel also pleaded further stating that the convict is a first time offender and that he has realised his mistake. He pleaded with the court to temper justice with mercy in line with section 270 (11) (b).

I have carefully listened to the plea of mercy and words added by the defence counsel to the convict, this court considered the convict but while the act of the convict left much to be deserved. The convict deserves a severe punishment as to deter other young ones on the same pedestrian who have also taken cybercrime as a means of getting rich quick.

I will also rely on the evidence presented by the EFCC and the plea bargain agreement which the convict entered into before conviction and sentence, I will also consider the convict's prayers that this court should temper justice with mercy in sentencing him being honest in realising his mistakes and also his promise never to go back to the crime again.

The convict is hereby sentenced to a term of 6 months' imprisonment with an option of fine of N200,000.00.

As regards the property (IPhone XS) used for his criminal exploit 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 realized from the sale be paid into the proceeds account of the Federal Government of Nigeria, thorough the EFFCC.

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Hon. Justice A. Y. Shafa

