

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT GWAGWALADA- ABUJA

THIS WEDNESDAY THE 21ST DAY OF MAY, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/H/CR/41/2022

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

SAMUEL OKWO MARK.....DEFENDANT

Court: case slated for arraignment. Defendant is in court.

Prosecution; M.M Gwamni with Mariam Sheriff

Defendant counsel: B. E Danjuma with Obir A. Anthony for the defendant before the court.

Prosecution: The matter is slated for hearing but the defendant intends to change his plea.

Defendant: I want to change my plea.

Counsel to the defendant is not in the position.

Prosecution; we apply that the charge be read to the defendant for him to take his plea.

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

Court: Defendant do you understand the said charge?

Defendant: yes, I do.

Defendant: I am guilty.

Prosecution: consequent upon the plea of guilty of the defendant, we urge the court to convict and sentence the Defendant for the offence.

CONVICTION

I am satisfied that the Defendant has understood the content of the charge sheet read and explained to him and admitted the offence as contained on the face of the charge knowing fully well the consequences of his plea. I hereby accept the defendant's plea of guilt and convict the said Defendant for the offence punishable under section 322 of the Penal Code Law, triable by this court.

ALLOCUTUS

Defendant: I want to plead to allocutus. I am sorry for the crime I committed and the court should temper Justice with Mercy, I promise I would not go back to the crime I committed again.

Defense Counsel: We urge the court to temper justice with mercy as the Defendant is remorseful and regrets his action.

The defendant was cut off in bad company and therein the reason why we are here today.

The proceeds of the crime has been refunded back to the Coffers of DW1.

The Defendant is just 21 years old, who has a promising future because of the bad friends that led him into this crime.

The Defendant is a first time offender and urge the court to be lenient in his sentence and grant the defendant the option of fine and non-custodial order to be made.

Court: stood stand down to 2:00pm.

Prosecution: that we recovered the instrument of the commitment of the offence, we ask that the instrument used in the commitment of the offence be forfeited to the Federal Government. The court may direct the victim to be restituted of the sum collected from him.

SENTENCE

The convict, one Samuel Okwo Mark was alleged to have committed the offence of cheating to with by deceiving Arnold, an American citizen while pretending and representing himself to be Stella Coleman (an American citizen working as an FBI agent) and he collected the sum of \$500 American dollars which he expended for his personal use on a representation which he knows was false.

The charge with No. CR/4/2022 was assigned to this court and is dated the 27th day of October, 2022. The charge was filed on the 8/11/2022 and arraignment was fixed for 1/12/2022.

The charge was first read to the defendant and he pleaded not guilty to same, after taking down the plea of not guilty of the defendant, his counsel applied for his bail and bail was granted, the matter was adjourned for hearing.

On the 13th day of June, an amended charge was brought to the notice of the court by the prosecution consel, and the matter was again adjourned to 21/06/2023 for arraignment.

On the amended charge, the convict one Samuel Okwu Mark noe being charged on two counts of offences. He is alleged to have been in possession of document containing false pretence wherein he represented himself on his Redit App profile pageto be Stella Coleman, an American citizen working with the FBI as an agent where he also created a Gmail account Sambills77@gmail.com which representation he knows was false.

He is also alleged to have committed the offense of cheating by impersonation and inducing Arnold under pretense thereby obtaining the sum of \$500 American dollars which he used for his personal gains.

On the 21/06/2023, the amended charge was read to the defendant and he then changed his plea from 'not guilty' to 'guilty' after the charge was read to his hearing.

The court acting under 112(8) of the ACJA, 2015 which provides thus;

“where upon having the information, the alleged suspect admits the commission of the offense contained in the FIR/Charge sheet, his admission shall be recorded as near as possible in the words used of him and if he shows nosufficient cause why he should not be convicted, the magistrate may convict him accordingly and in that case, it shall not be necessary to frame a charge”

Based on the above provision of the law, the court having convicted the defendant and the defendant also having pleaded. In his plea of allocutus that he is sorry for the crime committed and asked the court to temper justice with mercy and promises never to commit the crime again.

The defence counsel also asked the court to temper justice with mercy as the defendant is now remorseful. He stated further that the defendant is remorseful and the proceeds of the crime has be refunded to the coffers of the DW1. He went on to state that the Defendant is just 21 years old and has a promising future and that its because of bad friends that he ventured into the crime and that the defendant is a first time offender and urged the court to be lenient in the sentence.

Having carefully listened to the plea of allocutus by the convict and also the counsel to the defendant, it is pertinent to state firstly that the prevalence of the menace of internet fraud in the society especially amongst our young ones is distasteful and leaves a lot to be desired, it brings about a bad reputation for the country even on international scene.

Going by this, it is also important to state that surrounding ones self with bad friends is not a yardstick to individually go into crime. As everyone should be accountable for his actions.

The convict is a young boy who went after early wealth and did not envisage the law catching up with him; the court will not allow the convict to go unpunished and will try to use this as an example to other young person's intending to engage in sue in acts in the future.

The convict is hereby sentenced to 3 months imprisonment or he is to pay the fine of #50,000 together with non-custodial sentence of one week (Tuesday & Wednesday) of cleaning the premises of the EFCC headquarters under the supervision of the director of legal service.

Destruction of the phone used to commit the crime by means of burning, which is in line with section 331 ACJA.

Also, the proceeds of the crime which has been recovered should be sent to the nominal complainant and receipt of same should be provided, this is to project a good image for the country.

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HON. JUSTICE A. Y. SHAFI