

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT GWAGWALADA- ABUJA

THIS WEDNESDAY THE 3RD DAY OF JULY, 2024

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/448/2024

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA..... COMPLAINANT

AND

NYEROVWO OKORODE..... DEFENDANT

COURT: this matter is for arraignment

defendant present in court.

Offence attempt section 95 of the penal code law.

Appearance: C. ObanniOkoh for the prosecution EFCC

Defendant has no legal representative

Court defendant where is your lawyer.

Defendant: that the counsel says he is on his way and apply that we proceed

Case stand down for 30 minutes

SIGNED

JUDGE

3/7/2024

Court: resume

Appearance: defendant

Joseph Nyong for the defendant

Prosecution: the defendant is present in court, before the court is a one count charge dated 28/5/2024 filed on the 29/5/2024 we apply that the said charge be read to the defendant in order for him to take his plea.

Court: the one charge of an offence of attempt by impersonation contrary to section 95 of the penal code and punishable under section 324 of the penal code. The defendant is called upon to answer to the said charge of the offence stated above.

Court: defendant do you understand the said charge read and explain to you

Defendant: yes I do

Court :are you guilty or not guilty

Defendant I am guilty

Prosecution

In view of the plea of guilty of the defendant plea of guilty applied that the defendant be convicted and sentenced accordingly upon his plea.

CONVICTION

I am satisfied that the defendant having understood the content of the one count charge read and explained to him in English language and understood same and pleaded guilty to the charge, knowing fully well the consequence of his admission.

This court will accept the guilty plea made by the said defendant and convict the defendant for the offence of attempting to commit an offence of cheating by impersonating punishable under section 324 of the penal code triable by this court.

ALLOCUTUS

I sincerely regret my action, that it was due to the current condition I was facing and I will never never repeat it again. Single and 31 years of age. I am a Bsc holder of computer Science Education from DELTA State University Abarka Delta State.

That i have no excuse to go into cybercrime as my condition was bad and just decided to go into cybercrime.

That if he is told to counsel the youths in the society he will tell them that there are better options and can do better as a Nigerian youth and that they don't have to

cheat anybody to try to make ends meet or make a living or getting into any crime in anyway at all

Defence counsel

Having been with the defendant since has arrest, I can humbly tell the court that the defendant is very much remorseful of his action that brought him to this court today.

That from my findings the defendant is a first time offender with no other criminal record. He has opted to plead guilty not because he is proud of it but to save the time of this court and the time of the state and most importantly to get to the end of justice.

The convict is a graduate with a high future ahead of him and I find him to be very intelligent that the defendant will be useful to himself and the society as a whole.

The defendant has benefited nothing from the crime and believe that the defendant has learned from his mistake.

In view of the foregoing we plead for the court to be lenient in sentencing the defendant and implore the court to sentence the convict to a community service or alternatively to a very liberal fine which could allow him have a second shot of life.

Prosecution: any previous record of conviction by the convict to your knowledge?

Prosecution we are not aware of anyone.

Upon the arrest the convict, he was found with a mobile phone Samsung E51 which happened to be an instrument to be used for the commission of the offence. Apply that the said phone be forfeited to the FGN.

SENTENCE

The convict/defendant was sometime in 2024 arrested for an offence of attempt to commit an offence of cheating by personation punishable under section 324 of the penal code law.

The defendant who pleaded guilty and this court acting upon his guilty plea based on section 112 (8) of the ACJA 2018 convicted the said defendant accordingly.

The defendant in his plea of allocutus sincerely regretted his action and that it was due to the current condition of the country and promised never to repeat again.

That having been told to advice the youth of this country that they shouldn't exercise cybercrime and that there are better options available which the youth will do better as Nigerian youths and that they don't have to cheat anybody to make ends meet or make a living or getting into crime in anyway at all.

The defence counsel in addition to the plea of Allocutus made by the defendant informed the court that the convict is very much remorseful of his action that brought him before this court today.

Furthermore that the defendant/convict is a first time offender with no other criminal record and has a great future ahead of him. That on the cause of the crime he benefited nothing hence prays the court to temper justice with mercy.

I have carefully listened to the plea of allocutus made by the defence counsel, which allocutus I consider to be touching. As a graduate the convict has a bright future, he should use his career to better himself rather than venture into cybercrime.

Though the act of the defendant has left much to be desired, it is only God that knows the mind of human beings. In any way, this court will accept the plea of guilty plea and the convict as sending the convict to prison or correctional service center is not a better choice of reformation. Hence this court will consider giving the defendant and convict a non-custodial sentence considering the issue of the age, of the convict. In view of the foregoing I shall act under part 44 (7) under section 460 of the ACJA trial suspending sentence to the convict and hence the convict is hereby sentenced to 6 months imprisonment in accordance to the provisions of section 460(1) of the ACJA 2018. This is my judgment

For the Samsung A recovered, it is hereby forfeited to the FGN through the office of the EFCC.

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Hon. Justice A. Y. Shafa