

**IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ENUGU JUDICIAL DIVISION
HOLDEN AT ENUGU
ON TUESDAY THE 7TH DAY OF NOVEMBER, 2017
BEFORE THE HONOURABLE JUSTICE R.O. DUGBO-OGHOGHORIE
JUDGE**

CHARGE NO: FHC/EN/CR/81/2016

**FEDERAL REPUBLIC OF NIGERIA:..... COMPLAINANT
AND
OJINNAKA EMMANUEL .C. & ANOR :..... DEFENDANTS**

Defendants present

Appearance

M.A. Ekwu for the prosecution.

Chief Nnamdi Chukwudebelu for the 1st defendant.

Isaac Ojepa for the 2nd defendant.

The prosecution inform the court that the 1st defendant wishes to enter plea bargain, the total sum recovered from the 2nd defendant is \$167,900.

The 2nd Defendant actually declared \$10,000. Balance of \$157,900.

This balance is the property of the 1st & 2nd defendants in respect of the money. This balance is what he is entering in this plea bargain.

The 1st defendant is to forfeit, the sum of \$78,950, this money is to be paid into the Federal Government Account and is to be supervised by the station registrar of the Federal High Court Enugu and the payment receipt to be brought to court and same forwarded to Federal High Court Headquarters Abuja.



The balance of \$78,950 to be returned to the 1st defendant through the court.

Count 1

Guilty

Count 3

Guilty

The defendant having pleaded guilty to both counts is hereby convicted as charged.

Following the plea bargain agreement dated and filed on the 7th day of November, 2017 is hereby entered as judgment of this court with modification supra.

PW 1 Affirm

My name is James Ebiboloukemi, I work as an operative of EFCC at the Enugu Zonal Office with Intelligence and special operation section.

FEDERAL HIGH COURT
ENUGU
Certified True Copy
SIGNATURE: [Signature]
NAME: Stephen K...
DATE: 15/11/18

My duties are to investigate cases assigned to me by my sectional head. I know the defendant, sometime in 2015 the defendant was brought to our office by the Nigerian customs from Akanu Ibiam International Airport Enugu with a letter of transfer and currency declaration form with the sum of \$167,900. Upon receipt of the defendant and the money we registered the money with our exhibit keeper and went ahead to record the defendant's statement in the presence of my sectional head – Barrister C. Obiorah and other team members.

We also recorded the statement of the arresting officer Yusuf Ibrahim and we went on to investigate the matter, during the investigation we proceeded to visit the shop of the defendant. From the statement of the defendant it revealed that he

was travelling to China to buy goods and that he was having \$10,000 in his possession at the point of Declaration which was written on the declaration form. The defendant also stated that when he was about boarding that one Dike brought the sum of \$157,900 to him and that the money was sent to him by Ojinnaka the 1st convict. Because of the statement he made we invited Dike who is a staff of DSS.

Dike reported to the office and also volunteered his statement. In his statement he denied all the allegation. We also invited Ojinnaka the (convict) and he also volunteered his statement in his statement he admitted that the N157,900 belong to him. That he was the one that gave the money to Dike to give to the defendant. For onward transportation to his business partner in China. We also tried to visit their shops to know if they are genuine businessmen or not and we confirmed that they are genuine businessmen.



After investigation we wrote an investigation report and forwarded same to the legal department. The international passport belonging to the 2nd defendant was handed over to me.

The International Passport in the name of Nwoke Juventus Uchenna No. A50055153 is admitted in evidence as **Exhibit EFCC 1.**

Currency declaration form dated 12/12/15 is admitted in evidence as **Exhibit EFCC 2.**

Statement of Steve Dike is admitted in evidence as **Exhibit EFCC 3.**

Inspite of the defendant's counsel objection that the maker of the statement is not available. The prosecution had earlier informed this court that Steve Dike is no where to be found.

The statement is admitted on the ground of relevance, the statements of the defendant dated 12/12/15 and 10/2/16 is received in evidence as **Exhibit EFCC 4**. Statements of the (convict) Ojinnaka Emmanuel dated 15/12/15 are received in evidence as **Exhibit EFCC 5** respectively.

Handover Notes from Nigerian Customs Service dated 12/12/15 is admitted in evidence as **Exhibit EFCC 6**.

\$167,900 is received in evidence as **Exhibit EFCC 7**.

CROSS EXAMINATION

Q: Did your investigation revealed the exact point where the defendant was arrested.

A: EFCC only received the defendant and the Exhibit, Custom officers effected the arrest.

Q: Did Custom officers tell you in the course of your investigation the exact point where the defendant was arrested.

A: After the declaration point when he was about boarding.

Q: Your Team took the statement from the defendant.

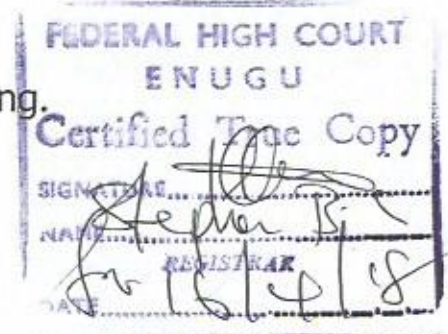
A: Somebody from my Team took the statement.

Q: Did you investigate the call log in **Exhibit EFCC 4**

A: The defendant was certain as to who gave him the money and the convict also stated that he gave the DSS officer the money to the defendant.

Q: You believed the defendant and the convict that the money was handed over by the DSS men Dike.

A: In our investigation none neither the convict nor defendant denied that the money was handed over to the defendant by the DSS man Dike.



The statement is admitted on the ground of relevance, the statements of the defendant dated 12/12/15 and 10/2/16 is received in evidence as **Exhibit EFCC 4**. Statements of the (convict) Ojinnaka Emmanuel dated 15/12/15 are received in evidence as **Exhibit EFCC 5** respectively.

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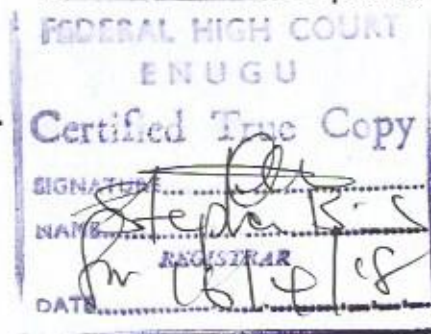
Q: Your Team took the statement from the defendant.

A: Somebody from my Team took the statement.

Q: Did you investigate the call log in **Exhibit EFCC 4**

A: The defendant was certain as to who gave him the money and the convict also stated that he gave the DSS officer the money to the defendant.

Q: You believed the defendant and the convict that the money was handed over by the DSS men Dike.



Q: Your investigation also revealed that the money Exhibit EFCC 7 does not form any proceeds of crime.

A: All we know from the declaration form this money was not declared.

Q: Did you obtain statement from the arresting officer

A: Yes statement of Yusuf Ibrahim dated 16/12/15 is admitted in evidence as **Exhibit EFCC D1.**

NO RE EXAMINATION

Counsel to the defendant filed Motion on Notice dated and filed on the 5th day of December 2016. Counsel move in terms of the Motion paper.

Court: The defendant is hereby granted bail in the sum of \$10,000 to remain court.

Case adjourned to 27/2/17 for continuation of Trial.

SIGNED
R.O. DUGBO-OGHOGHORIE
JUDGE
7/11/17

