

IN THE FEDERAL HIGH COURT OF NIGERIA  
HOLDEN AT ENUGU  
ON TUESDAY THE 24<sup>TH</sup> DAY OF MAY, 2016  
BEFORE THE HON. JUSTICE M. N. YUNUSA  
JUDGE

CHARGE NO.FHC/EN/CR/3/2016

**BETWEEN:**

**FEDERAL REPUBLIC OF NIGERIA - COMPLAINANT**

**AND**

**AGUNMADU CHRISTOPHER NNAMDI - ACCUSED PERSON**

Parties - Accused is present.

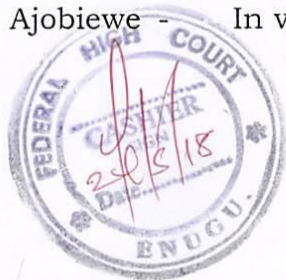
Appearance - R. E. Ajobiewe for the prosecution.

K.O.K Agbowo with I.I. Iloani for the  
Defendant.

Ajobiewe - This matter is slated for trial. However, the prosecution and the Accused have entered into a plea Bargain Agreement as such the Accused intended to change his plea and we have filed a plea bargain Agreement pursuant to the provisions of Section 270 of the ACJA 2015. And subject to the court's convenience we are ready.



Ajobiewe - In view of this development we apply that the



Accused be allowed to change his plea from not guilty to guilty.

Court - Do you understand and speak English Language.

DW - Yes.

Court - Registrar read and explain the charge to the Accused person..

Court - Do you understand the charge?

Dw. - Yes

Court - Are you guilty or not.

DW - I am guilty.

Ajobiewe - The Accused person have changed his plea and pleaded guilty we hereby apply to adopt. The plea bargain agreement.

Ajobiewe - The accused is being arraigned on a one count charge dated 12<sup>th</sup> January, 2016 and filed on 14<sup>th</sup> January, 2016.

Pursuant to Section 12 of the Foreign Exchange Act 2004 and Section 2(5) of the money Laundering prohibition Act as amended by Section 2 of the money laundering 2012. The facts of this case are that Accused was arrested at Akanu Ibiam



International Airport, Enugu while boarding an outward Bound Ethiopian Airline to China. He was arrested by the presidential task force on trans- border cash movement for under declaring the cash he was carrying, the Accused person was carrying 51, 000 US Dollars, and only declared the sum of \$9,500 and when he was searched the sum of 51,000 US Dollars was found on him, he was arrested on 5<sup>th</sup> September, 2015 and handed over to the EFCC on the 9<sup>th</sup> of September, 2015 for investigation and prosecution.

The statement of the Accused was taken under caution by the EFCC which he did voluntary. The sum of \$51,000 found on him was also booked with and exhibit keeper of the EFCC along with his International Passport, Boarding Passes.

Investigation by the Officers of EFCC carried out by visiting the Accused person's shop at Ariaria at Aba in Abia State, they discovered that he is a lawful and genuine business man.

The arresting officer Asst. Superintendent Of Custom Yusuf Ibrahim was also invited and his statement was taken which he gave voluntarily. We apply to tender the statement of the Accused person made to the EFCC and also that of Custom Asst Superintendent Yusuf Ibrahim which was CTC of the said statement.

Agbowo - No objection.



C  
Court - The statement of the Accused person and other items tendered are hereby admitted in evidence in the order of tendering and marked as exhibit DCN 1-6.

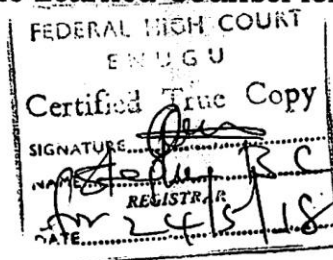
Ajobiewe - We apply that the Accused be convicted based on the plea Bargain Agreement.

Court The Accused person was arraigned on the 24<sup>th</sup> day of May, 2016, the charge was read and explained to him in English Language. He indicated to the Court that he understood the charge and pleaded guilty.

Learned Counsel for the prosecution informed the Court that they have entered a plea bargain agreement based on the provisions of Section 270 of the ACJA which provides for the review of facts by presenting the relevant materials to the Court.

The materials presented before the Court includes the statement of the Accused, the statement of the arresting officer, the passport and 2 Boarding Passes, the Bulk exhibit.

The said items were admitted in evidence and duly marked without any objection by the Learned Counsel for the Defendant.



After a careful perusal of the evidence before the court I am satisfied that the prosecution has discharged its duties as required by the law.

In the light of the above, the Accused is hereby found guilty and accordingly convicted.

Court - Any Allocutus

Agbowo - The Defendant on the 1<sup>st</sup> day of arraignment pleaded not guilty to the charge prepared against him. But after that he has had a second thought. He considered all the options open to him he is a hard working young man who out of hard work and honesty have been able to establish a credit line with his Chinese Business partners. The \$51,000 he had on him was the money meant to pay up the credit line had pending with his business partners.

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The prosecution even conceded that the Defendant is a genuine business man and genuinely earned the money he was transporting but the Defendant does not want to look like a cheat to the Chinese business partners who already are of the impression that he has duped them to secure its image and that of this country he appeal to the prosecution for a plea Bargain Agreement and this agreement has been reduced into writing and duly executed by the parties. It is dated the 20<sup>th</sup>



day of May, 2016 and filed on the same date in this court. The Defendant adopts the plea Bargain Agreement and urges the Honourable Court to sentence him in accordance with the terms of the Agreement which we hereby adopt.

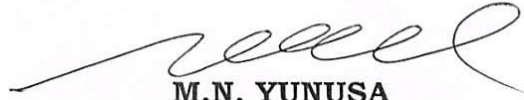
Ajobiewe - No record of previous conviction. The provisions of the money laundering Act Section 2 of the Money Laundering Act as amended provides for the forfeiture of the undeclared sum or a sentence of the term of two years or both for a conviction. However, because investigation had revealed that the Accused is a genuine and lawful business man and the cash he was transporting was not from a proceed of crime, that made the prosecutor to concede to the plea bargain. Therefore, we are not opposing that the Accused be sentenced based on the plea bargain Agreement filed before the court.

### **SENTENCE**

Plea Bargain is one of the several innovations introduced into the Nigeria Legal System by the ACJA 2015. In the instant case, the convict was charged, tried and convicted. Thereafter a plea bargain Agreement was drawn and duly executed and the procedure provided under section 270 of the ACJA 2015 with respect to plea Bargain was strictly followed by the court in the trial of the convict.



In the light of the above, the plea Bargain Agreement is akin to a terms of settlement, that being so, it is hereby adopted as the Judgment of this Honourable Court.



**M.N. YUNUSA**

Judge

24/05/2016

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SIGNATURE	
NAME	Steph J.C
DATE	24/5/18

