

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE AWKA JUDICIAL DIVISION
HOLDEN AT AWKA
ON FRIDAY THE 29TH DAY OF JUNE 2018
BEFORE THE HONOURABLE JUSTICE I.B. GAFAI
JUDGE

CHARGE NO:FHC/AWK/25C/2017

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA ::: :: COMPLAINANT

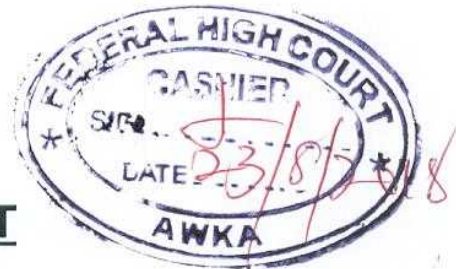
AND

VINCENT EZENABO ::: :: ACCUSED

Accused in Court.

Patrick G. Eshua for the Prosecution.

T. D. Ojimba with M. N. Solomon for the Accused.



JUDGEMENT

The Accused herein namely **Vincent Ezenabo** was arraigned in this Court on the 21st March 2017 on a one count charge to wit:

"That you **Vincent Ezenabo**, male, adult, 61 years on or about the 9th day of March, 2017 at Ezebazu Village, Ichida, Aniocha L. G. A., Anambra State within the Jurisdiction of this Honourable Court without lawful authority knowingly possessed 8.5kilogrammes of Cannabis Sativa, a narcotic drug and thereby committed an offence contrary to and punishable under Section 19 of the National Drug Law Enforcement Agency Act Cap N30 Laws of the Federation of Nigeria, 2004."



Vincent Ezenabo
Solicitor

The charge was read to the Accused in English, interpreted and explained to him in Ibo Language, which he understood to the satisfaction of the Court. He pleaded guilty with reasons. The Court thus entered a plea of not guilty for him.

In the course of the proceedings, the Prosecution filed an Amended Charge on the 18th of May 2017 and later a Further Amended Charge on the 24th of April, 2018.

At the resumed hearing on the 27th of June 2018, the learned prosecuting counsel applied to withdraw both the originating charge and the amended charge. Both were thus struck out; remaining therefore only the Further Amended Charge against the Accused. The Further Amended Charge reads:

"COUNT 1:

That you **Vincent Ezenabo**, male, adult, 61 years on or about the 9th day of March, 2017 at Ezebazu Village, Ichida, Aniocha Local Government Area of Anambra State within the Jurisdiction of this Honourable Court without lawful authority knowingly possessed 8.5kilogrammes of Cannabis Sativa, a narcotic drug and thereby committed an offence contrary to and punishable under Section 19 of the National Drug Law Enforcement Agency Act Cap N30 Laws of the Federation of Nigeria, 2004.

COUNT 2

That you **Vincent Ezenabo**, male, adult, 55 years on or about the 19th day of August, 2015 behind St. Theresa



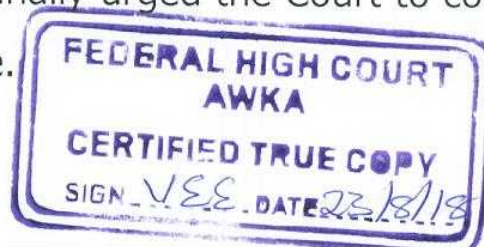
Catholic Church, Ichida, Anaocha Local Government Area, Anambra State within the Jurisdiction of this Honourable Court without lawful authority knowingly possessed 2.47kilogrammes of Cannabis Sativa, a narcotic drug and thereby committed an offence contrary to and punishable under Section 19 of the National Drug Law Enforcement Agency Act Cap N30 Laws of the Federation of Nigeria, 2004.”

It was read to the Accused in the same manner as done on the original charge. The Accused however instantly changed his position by pleading guilty to the Further Amended Charge.

In reviewing the facts of his case, the learned prosecuting counsel Patrick G. Eshua tendered in evidence:

- i. 8.5kigrammes of Cannabis Sativa recovered from the Accused;
- ii. Certificate of Test Analysis;
- iii. Packing of Substance form;
- iv. Request for Scientific Aid form;
- v. Drug Analysis Report;
- vi. 5 grammes of unanalysed cannabis sativa; and
- vii. A confessional statement made by the Accused.

In the absence of any objection, these were admitted in evidence and marked as exhibits “1”, “2”, “2A”, “2B”, “2C”, “2D”, and “3” respectively. He finally urged the Court to convict the Accused and closed his case.



I have carefully considered both counts of this charge. I have not found anything legally objectionable thereto. I have also considered the plea of the Accused to each of the two counts. I am satisfied that his plea is a direct, positive and fully intended admission of the offences in both counts. I have also examined and considered the evidences adduced in proof of the charge. I have not found any inadmissible feature on any. On the contrary, I find them all to be mutually consistent. I find the Plea of the Accused consistent with the charge and the evidence adduced. I also find the evidences consistent with the charge.

On the whole, I have not found any contradictions or inconsistency in the various evidences placed before the Court. I am satisfied that the Prosecution has proved both counts against the Accused beyond reasonable doubt in the manner provided under Section 135 of the Evidence Act 2011. Consequently, the Accused is hereby convicted on both counts.

I. B. GAFAI
JUDGE
29/06/18

Court: Any record of previous conviction?

Prosecution: No



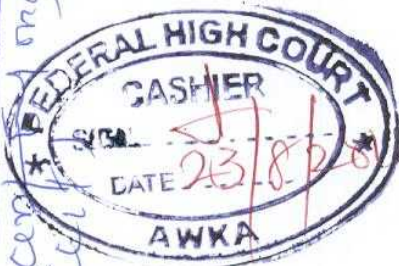
Vincent Eyang Esq.
SEO (Lit)

Mr. Ojimba: We pray for mercy. He is of high age. He has been in prison custody. The 2 sentences should run concurrently.

SENTENCE

I have carefully listened to and considered the grounds of the allocutus as advocated for the convict by his learned counsel. I have in particular considered the high age of the convict and the facts that he is a first time offender and is said to be remorseful. I have also considered the negative effect of the offence he committed. I have considered also the provisions of the Act under which he was convicted; which in my considered view do not tie the hands of the Court in awarding a lesser sentence than that provided therein.

I have formed considered view that it is just and equitable to tamper justice with mercy on the convict; in the hope that he may thereby turn a new leaf. Consequently, I sentence you **Vincent Ezenabo** to a term of two years imprisonment on each count with effect from the date of arraignment in this case. Sentences to run concurrently. Exhibit "1" be destroyed by the Prosecution in accordance with the NDLEA Act after 90 days from today.



*Vincent Ezenabo
SGL*

**SIGNED
I. B. GAFAI
JUDGE
29/06/18**

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