

**HOLDEN AT ENUGU
BEFORE HIS LORDSHIP HON. JUSTICE P.I. ENEJERE
ON WEDNESDAY THE 22ND DAY OF FEBRUARY, 2012.**

Suit No.: E/45C/11

FRN

Vs.

Chukwu Young
Chibuzor Ifeanyi
Okoye Kingsley

1st & 3rd accused persons present.

2nd accused absent.

N.E. Emony for the prosecution.

Ikenna Uzokwelu for the 2nd accused person. C.M.O. Nweze for the 3rd accused persons.

Counsel for the 2nd accused's counsel says that the 2nd accused is suffering from communicable disease and is coming in a separate ambulance. Counsel for the 2nd accused therefore adopting his address on the application for bail dated 2/12/11 and filed the same day as their argument.

No objection.

I have considered the affidavit in support of this application and the accompanying affidavit.

I am satisfied that the 2nd accused is entitled to bail. Bail is therefore granted to the 2nd accused person in the sum of N50,000.00 with one surety in like sum. Surety to be approved by this court.

At this juncture Sanman Daipu appears for the 1st accused.

The first accused person applies to change his plea from not guilty to guilty.

The 3rd accused also applies to change his plea from the plea of not guilty to the plea of guilty.

The change is read and thoroughly explained to the accused persons. They plead as follows:

1st accused pleads guilty in counts I & II

3rd accused pleads guilty in counts I, II & III

Counsel for the prosecution applies to amend the 3rd count to read Okoye Kingsley instead of Chibuzor Ifeanyi.

No objection.

Court: Application granted as prayed.

Facts:

EFCC Enugu branch received a petition by one Mr. Tony Ururuka alleging a crime of attempt to obtain mercy by fraud by EFCC staff and also that he was contacted by three persons claiming to be officers of the EFCC (Economic and Financial Crime Commission) Enugu zonal officers. The said officers are Emma Nwonye, one Okoye and one Udenga alleging that they have a petition against him which he needed to come and sought out with them.

The petition was approved and sent to advance fee fraud unit for investigation. One Mr. Efa Okim an operative with the EFCC Enugu zonal office was assigned to lead the team conducting the investigation. Mr. Tony Ururuka was contacted and advised to play

along with the fraudsters on 25/3/11 Mr. Tony contacted the said Efa Okim and informed him that they had entered an agreement with Emma Nwonye to meet at the gate of the EFCC Enugu Zonal of in-other for him to pay them the sum of Ten million naira as a bribe to settle the whole petition. He was told to be at the gate by 11am on 26/3/11. He came on that 26/3/11 met with the advance fee fraud team and surveillance was place inside and outside the commission. At about 10am he contracted Mr. Emma Nwonye that he was already at the gate. Mr. Emma asked him to wait. He later called him again at about 11am. Mr. Emma told him that he had to go to Nnewi for an arrest on another investigation. He told him he will send a police officer with the commission to come and collect the money from him. He asked him to describe his car and he did that. Mr. Tony told Emma Nwonye that the police officer will need to identify himself to him (Mr. Tony) before he hands over the money to him. He waited a bit and P.C. Okoye Kingsley a police man 3rd accused came on a motorcycle and stopped in front of the commission. He went into the commission after a while Mr. Tony saw the policeman (3rd accused) with the operatives handling this case drive out of the commission after about 30 minutes they came back with the 2nd accused on getting into the EFCC premises they all met with Mr. Tony for the first time and handed over the Ghana-must-go bag filled with newspaper clipping with the sum of Ten thousand Naira spread on top. The bag was handed over to the 2nd accused person and he collected it in the presence of all of them. When the 2nd accursed came into the commission initially he

received a text message telling him that the Mr. Tony's car was standing outside the premises. From the 2nd accused's phone the EFCC got the text messages sent the 3rd accused person clearly describing Mr. Tony and his car. Upon their arrest they made confessional statement. 2nd accused statement implicated the 1st accused as the person who hooked up the scam. His phone also revealed text messages between him and the 1st accused describing Mr. Tony and his car and various calls between three of the accused persons. He gave the 1st accused's address. Mr. Tony told the EFCC that he knows one Chukwu Young at Aba, he worked for him. The operatives in company of Mr. Tony took off to Aba to his office where the 1st accused was arrest. The 1st accused also made a confessional statement. There were text messages in his phone between him and the other accused person.

These are the accused person's phones.

Counsel applies to tender the phones belonging to the 1st & 3rd accused persons.

(1) Phones belonging to 1st accused

Count to 1st accused: Are these your phones.

1st accused: Yes

No objection.

Court: 2Nokia phones to be marked Exhibit "A", "A1"

This is the 3rd accused Nokia E79 phone.

Court to 3rd accused: Is that your phone?

3rd Accused: Yes

Counsel applies to tender the 3rd accused's phone.

No objection.

Court: 3rd accused Nokia E79 to be marked Exhibit "B".

This is the 3rd accused person's police I.D. card.

Counsel applies to tender the card.

No objection.

Court: I.D. card to be marked exhibit "C". This is the Ghana-must-go bag with news paper clipping and N10,000.00 in one thousand Naira note.

Counsel applies to tender the bag of money.

No objection.

Court: Bag and money to be marked exhibit "D".

This is the petition by Mr. Tony Ururuka counsel applies to tender the petition.

No objection.

Court: Petition to be marked exhibit "E".

Court to 1st accused: Are these the facts as it happened.

1st accused: Yes

Court to 3rd accused: Are these the facts as it happened.

3rd accused: Yes.

Court: The 1st and 3rd accused persons are found guilty as charged.

1st accused is found guilty in counts 1 and 2.

3rd accused is found guilty in counts 1, 2 and 3.

Allocutus

1st accused: I plead that the court tamper justice with mercy.

2nd accused: I plead that this court tamper justice with mercy. "I am very sorry".

1st accused counsel: I plead for leniency on behalf of the 1st accused considering the fact that the 1st accused is a first offender and has spent almost a year in custody awaiting trial. He confessed to the charge plead that the court give the accused the option of fine instead of imprisonment it is in the spirit of S 382 criminal CPL of Enugu state 2004.

The 3rd accused person:

I associate myself with the submission on behalf of the 1st accused. The 3rd accused did not allow the court through the entire hearing of this case. We know that the charge is a serious offence but the accused is a first offender and he has lost his job with the Nigerian Police he has a wife and two infants. I am satisfied that the 3rd accused will go home and sin no more.

Complainant: My Lord the 1st accused has shown remorse and has apologised, please tamper justice with mercy. I have forgiven them.

Court: The accused persons have been in custody for 11 months and fifteen days. They are 1st offenders and the complainant says that they have shown remorse he has forgiven them.

In view of the provisions of section 390(1) of the criminal procedure law of Enugu state 2004.

The 1st accused is sentenced to two years imprisonment in count I or N20,000 fine and 2 years imprisonment in count II or N20,000 fine. The 3rd accused is sentenced to two years imprisonment or

N20,000 fine in count I, 2 years imprisonment in count II or N20,000 fine and 2 years imprisonment in count III or N20,000 fine.

The imprisonment terms to run concurrently.

The fines to run cumulatively.

Exhibits "A" & "A1" to be released to the 1st accused immediately.

Exhibit "B" to be released immediately to the 3rd accused. Exhibit

"C" to be immediately released to the 3rd accused. The 2nd accused person is ill his counsel says that he will also change his plea.

Case adjourned 5/3/12.

Signed
P.I. Enejere
Judge
22/2/12

RESUME ON MONDAY THE 28TH DAY OF MAY, 2012.

Suit No.: E/45C/11

FRN

Vs.

Chibuzor Ifeanyi

Accused present.

N.E. Emony Legal Officer to EFCC Enugu Zonal Office for the prosecution.

Ikenna Uzokwelu with M.C. Mokwe and Emeka Okosi for the accused person.

The prosecution filed an amended information dated 22/2/12 and filed on 16/4/2012.

Prosecutor applied to amend the amended information by adding "money" after "obtain" before contrary to see 8 under the statement of offence: Count 1 also in count 2.

No objection.

Court: Application granted as prayed.

The amended charge is read and explained to the accused person. He pleads guilty in counts 1, 2, 3.

Facts: The facts of this case is as recorded on 22/2/12 when the other accused persons were convicted.

The accused person and his counsel adopt the fact as given on 22/2/12. Prosecuting counsel applies to tender the accused's telephone Nokia E88 as an exhibit.

Court: Nokia E88 to be marked exhibit "F".

Court: The accused person is found guilty as charged.

Allocutus: I plead for leniency. I will not do this again, please temper justice with mercy. "I have learnt my lesson.

Accused's counsel: We plead with the court to temper justice with mercy.

The accused was in detention for over 11 months. The accused has changed. The accused is a first offender.

Sentences

The accused is sentenced to two years imprisonment in count 1 or N20,000 fine

2 years imprisonment in count II or N20,000 fine

2 years imprisonment in count III or N20,000 fine

Prison terms to run concurrently and fine to run cumulatively.

Exhibit "F" to be released to the accused person immediately.

Time spent in custody to be taken into consideration. Exhibit "D" to be released immediately to the complainant.

Signed
P.I. Enejere
Judge
28/5/12