

**IN THE HIGH COURT OF ENUGU STATE OF NIGERIA
IN THE ENUGU JUDICIAL DIVISION
HOLDEN AT ENUGU
BEFORE HIS LORDSHIP, HON. JUSTICE K.I. OKPE-JUDGE
ON FRIDAY THE 14TH OF NOVEMBER, 2018.**

SUIT NO. E/164C/2018

THE FEDERAL REPUBLIC OF NIGERIA

...

COMPLAINANT

AND

GODFERY EHIZUENELEN

...

DEFENDANT

JUDGMENT

Parties: The defendant is in court

Appearances: I.R. Mgbachie for the prosecution.

G.N. Edeani for the Defendant.

Mgbachie: The case is for plea. We were approached by the defence for a plea bargain and consequently we filed amended information before the court. In view of the above, we humbly apply that the information filed on 3/10/2018 be struck out or withdrawn.

Edeani: No objection.

Court: The information filed by the prosecution on the 3/10/2018 is hereby struck out same having been withdrawn.

Mgbachie: We filed an amended charge dated 12/11/2018 and we apply that the plea of the defendant be taken.

Court: Read the charge to the accused.

Registrar: The Registrar read the charge to the accused person and he seemed perfectly to understand the charge and he pleaded thus:

Accused person: I am guilty

Mgbachie: In view of the plea of the accused person may we call on the PW1 to review the facts of this case as per the charge.

PW1: PW1 affirms by raising his right hand up and elects to speak in English language.

Mgbachie: Tell this court your name

PW1: My name is Sameer Soye,

Mgbachie: What do you do for a living

PW1: I work with the Economic and Financial Crime Commission

Mgbachie: Do you know the Defendant

PW1: Yes, I know him

Mgbachie: Please tell this court briefly what you know about this case.

PW1: The facts of the case is as per the information filed in this case. In support of our case we have the petition of the complainant, statement of account of the complainant,, the confessional statement of the Defendant taken under word of caution and the plea bargain agreement entered by the parties.

Mgbachie: Take a look at these documents

PW1: Yes these are the documents I referred to.

Mgbachie: I seek to tender them as exhibits in this case

Edeani: No objection

Court: The petition written by Ijeoma Cecilia to the Zonal Head, EFCC South East dated 5/6/2018; statement of Account (First bank) of Ijeoma Cecilia for 1st May 2018 to 04/6/2018; statements of Mr. Ehizuelan Godfrey to EFCC dated 31/8/2018; 4/9/2018, 17/9/2018; 19/09/2018 and 21/9/2018 and plea bargain agreement dated 28/9/2018 are hereby admitted in evidence and marked Exhibits A, B, C-C4 and D respectively.

Mgbachie: That is the case for the prosecution and we apply that the defendant be convicted and sentenced according to the terms of the plea bargain agreement.

Edeani: We have no cross-examination

Court: Defendant, do you understand the evidence first given against you.

Accused: Yes my lord.

Court: Do you stand by the evidence as given

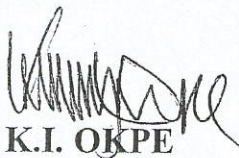
Accused: Yes my lord, I am guilty

Court: In view of the plea of guilty made by the Defendant and his standing by his plea of guilty after the review of the facts of the case by the PW1, I hereby find the accused guilty as charged.

Court: On sentencing, I have no problem with the one month agreed to in the plea bargain agreement but I have problem with the effective date.

Edeani: May I ask my lord to have mercy with the Defendant. The Defendant was granted bail by the EFCC but his bail was not perfected. So he has been in prison custody since his arrest in August. May I plead with my lord to tamper justice with mercy in sentencing the Defendant.

Court: I appreciate the wisdom in the plea bargain provisions in the Administration of Criminal Justice Law of Enugu State 2017. I also appreciate the right of the prosecution to be lenient on the Defendant and agreeing to a very low prison term. The reason given in urging this court to make the sentence retroactive is that the Defendant was unable to satisfy the bail condition prescribed by EFCC and had to remain in their custody till today. I understand it to mean that the Defendant chose to remain in custody of the EFCC as the terms of the plea Bargain Agreement do not show that the EFCC was hard on the Defendant. To sentence the Defendant and allow him walk out of this court a free person on account of his refusal to perfect his bail is to make a morcery of our court system. This court will not be a party to that. I will however abide by the one month agreed to by the parties and accordingly, the Defendant is hereby sentence to one month imprisonment with effect from today though with an option of fine of N200,000.



K.I. OKPE
(JUDGE)

13/11/2018

COUNSEL:

I.R. MGBACHIE ESQ. FOR THE PROSECUTION

G.N. EDEANI ESQ. FOR THE ACCUSED PERSON.

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