

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**

**IN THE ABUJA JUDICIAL DIVISION**

**HOLDEN AT MAITAMA COURT 5, F.C.T., ABUJA.**

**BEFORE HIS LORDSHIP: HON. JUSTICE O. O.GOODLUCK**

**CHARGE NO. CR/2019**

**B E T W E E N:**  
**FEDERAL REPUBLIC OF NIGERIA** } **COMPLAINANT**  
  
**AND**  
**ONOME ROSSI ALIAS THEO DINH** } **DEFENDANT**

**J U D G M E N T**

The Defendant has pleaded guilty to committing an offence contrary to Section 321 and punishable under Section 324 of the Penal Code, Laws of the Federation. It is noteworthy that the charge under which the Defendant was initially charged is for the offence under Section 6 and punishable under Section 1(3) of the advance Fee Fraud Act and other fraud offences Act, 2006. I hold that the Defendant is guilty of the offence charge and is hereby convicted.

However, owing to the Plea Bargain Agreement dated 12<sup>th</sup> February, 2019, the duly executed by the Defendant and the prosecution, both parties are agreeable that the Defendant shall be charge for a lesser offence of cheating by impersonation. Pursuant to the terms of the Plea Bargain Agreement the Defendant has now pleaded guilty to committing an

offence contrary to Section 321 and punishable under 324 of the Penal Code Laws of the Federation.

Section 321 of the Penal Code provides that a person is said to cheat by impersonation if he cheats by pretending to be some other person or by knowingly substituting one person for another or representing that he or any other person is a person other than he or such other person really is. There is ample evidence before this court that the Defendant acting under the guise that he was a hydrographer pretended to be are the Dinh who lives in California through his deception, he was able to dupe in weary persons in the sum of \$800,000.00 (Eight Hundred Thousand US Dollars) through on line dating.

He made confessional statement to the effect that he obtained these monies and admitted using the proceeds of the on line scam to purchase items which were recovered from him.

I am not left in doubt that the Defendant committed the offence has been charged with. I am minded that the offence of cheating extends to five years with fine and with both.

This Court is once again faced with the negative image this nation is being subject to as a result of the nefarious on line activities such as that engaged by the Defendant for a living. His conduct is certainly mean, despicable and worthy of castigation. Regrettably there is no record of the

Defendant's criminal records hence it is uncertain whether he is a first offender.

Nonetheless this Court cannot disregard passionate plea made by the Defendant's Counsel. It is noted that the Defendant was caught on the 10<sup>th</sup> January 2019 and within the time of his arrest he voluntarily elected to make a confessional statements and relinquished what was still in his possessions acquired from through illicit conduct.

The convict disclosed his email password which enables the investigating team gain further accesses to the activities and modus of similar offenders. There is also evidence that he is 21 years old and is currently schooling. He has presented himself as one who is remorseful having regard to his conduct that has brought to fore all his candlestine activities. The lifespan of this proceedings has also been expeditiously brought to an end on the very first day the convict was arraigned but for his cooperation this matter could have lingered and led to the wastes of the Court's manpower and indeed the nations recourses.

I am therefore impelled to strike a balance all these competing considerations vis-à-vis the sentence that is to be imposed by this Court.

In the light of the foregoing considerations as well as this statutory penalty prescribed in Section, I hereby order one year sentence and fine in the sum of ₦100,000.00 (One Hundred Thousand Naira) pursuant to Section 324 of the Penal code.

It is further ordered the sum of ₦100,000.00 (One Hundred Thousand Naira) shall to the EFCC Recovery Account whilst all items noted in the Exhibits, specifically Exhibit P.W.1B<sup>1-2</sup> shall b forfeited to the state.

O. O. Goodluck,  
Hon. Judge  
14<sup>th</sup> February, 2019.