

IN THE HIGH COURT OF JUSTICE OF KADUNA STATE
IN THE KADUNA JUDICIAL DIVISION
HOLDEN AT COURT 11 KADUNA
DELIVERED THIS 8th DAY OF JULY, 2019

BEFORE THE HONOURABLE JUSTICE D.H. KHOBO—JUDGE

KDH/KAD/EFCC/39/19

BETWEEN

FEDERAL REPUBLIC OF NIGERIA

.....COMPLAINANT

VS

EMUZE OMOSIGHO EMMANUEL (A.K.A THOMAS BROOK).....DEFENDANT

The Defendant in Court S/E
S.E. Sa'ad Esq. for Prosecution
Arome Sule Esq. for Defendant

JUDGEMENT

The defendant namely Emuze Omosigho Emmanuel is standing trial before this court on an amended charge of attempt to commit an offence to wit cheating punishable with imprisonment contrary to Section 57 of the Kaduna State Penal Code Law, 2017 and punishable under the same said section. When the amended charge was read and explained to the defendant by the court, the defendant understood the charge and pleaded guilty to the said amended charge.

The learned counsel for the prosecution proceeded to tender the extra-judicial statement of the defendant together with the e-mail and instagram correspondences recovered from the defendant's facebook and plenty of fish email addresses (three in numbers) as thomasbook796@gmail.com and Richardpowelljr8@gmail.com in evidence and same were admitted as Exhibits 1 and 2a—c respectively.

The learned counsel for the prosecution has therefore applied that the defendant be convicted of the said amended charge pursuant to his plea of guilty and also based on Exhibits 1 and 2^{A-C} respectively.

The learned counsel for the defendant has also conceded to the above oral application of the learned counsel for the prosecution that the defendant be convicted pursuant to his plea of guilty and also based on the defendant's extra-judicial statement and email and instagram correspondences recovered from the defendant's email addresses and admitted as Exhibit 1 and 2^{A-C} respectively.

Accordingly pursuant to above oral application of the learned counsel for the prosecution, and based on the plea of guilty to the amended charge as made by the defendant as well as the extra-judicial statements of the defendant admitted as Exhibits 1 and the email addresses and instagram correspondences recovered from the defendant's facebook and plenty of fish email addresses as one thomasbrook796@gmail.com and Richardpowelljr8@gmail.com with the sole aim of obtaining financial benefit for himself. The defendant here namely Emuze Omosigho Emmanuel is hereby accordingly convicted of the said offence contrary to Section 57 of the Kaduna State Penal Code Law 2017 and punishable under the same Section.

Signed 8/7/19
Judge.

Sa'ad: I apply that the convict be sentenced accordingly.

Sule: We applied for a plea bargain and same is filed before this court with the terms of the plea bargain contained therein.

We urged this court to adopt the terms of the plea bargain as filed before the court as sentence in this case, and that instead of one year imprisonment that the defendant be made to pay a fine to the Federal Government. I urged the court to graciously impose a soft fine.

The defendant a student who return from school to the house spend a weekend and to go back with some food stuff when this incident happened

as a result of friends who lured the defendant and/or trying to recruit the defendant into this illegal activity.

The defendant is quite remorseful knowing his popularity in his place of worship and he undertakes never to identify with these friends again who were in the process of recruiting him into this illegal act.

In the light of the above, the fine to be paid by the defendant we appeal to the court should be as good as the releasing the defendant considering the financial capability of the defendant's parents whose father is a retiree for many years and the mother a petty trader and cannot do much.

The convict is a first offender and has no criminal record whatsoever.

Signed 8/7/19
Judge.

Sa'ad: Of a truth the convict is a first offender and has no record of previous conviction. On the plea bargain same has been filed and we have been served and we have no objection to the terms being adopted by the convict in sentencing the convict.

Signed 8/7/19
Judge.

SENTENCE

I have considered the plea for leniency as passionately made by the counsel to the convict and the fact that the convict is a student and a first offender. I have also gone through the plea bargain process adopted by the defendant pursuant to Section 270 of the Administration of Criminal Justice Act, 2015 with the terms of the plea bargain attached thereto dated 27/6/19 and duly signed by the defendant and his counsel for the prosecution and as filed before this court.

Both counsel to the parties have urged the court to adopt the terms of the plea bargain filed in this case in imposing sentence of the defendant i.e.

that the defendant be sentenced to one year imprisonment, and that instead of the imprisonment term, the defendant be given an option of fine to pay to the federal government.

The essence of punishment in criminal justice is to serve as a corrective measure to the offender and a deterrent to like minds. The convict here is a first time offender appears remorseful in the dock, and has owned up to pleading guilty to the offence charged without hesitation.

I am sure that by that by this conviction the convict has learned the required lesson that doing what he did that culminated to this charge and arraignment before this court is a crime which will lead to prosecution and subsequent conviction as is done in this case.

It is true as the saying goes that evil companion corrupt good manners. By this conviction the convict must have learned the fact of not associating with people or friends with doubtful characters as doing so will end up in consequences such as this.

Accordingly pursuant to the term of the plea bargain dated the 27/6/19 and duly signed by both the defendant and his counsel as well as the counsel for the prosecution and adopted before this court, the convict namely Emuze Omosigho Emmanuel is hereby sentenced to pay a fine of ₦100,000 to the Federal Republic of Nigeria, and where he cannot pay such fine, to go to prison for one year.

Signed 8/7/19
Judge.