

**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 WEDNESDAY THE 13TH DAY OF MARCH, 2019.**

F.R.N.	---	Suit No. E/77 ^C /2019
AND		Complainant
Nworah Chukwudozie Raphael	---	Defendant

JUDGMENT

Parties: The accused person is in court

Appearances: M. Ani for the prosecution.

S. Abasié for the defendant

Ani: The case is for plea.

Court: Take his plea.

Registrar: The registrar reads the charge to the accused person and he perfectly seemed to understand it and he pleaded thus:

Accused Person: I am guilty

Ani: In view of the plea of the defendant may we call the IPO to review the facts of the case.

PW1: PW1 sworn by the Bible and elects to speak in English Language.

The Registrar announced all other witness to go out of court and out of hearing.

Ani: Tell this court your name, address & occupation

PW1: I'm detective Erarei A. Monday. I'm investigator with EFCC South East Zone Enugu. My schedule of duty includes investigating case relating to financial crime, giving evidence in court and effecting an arrest.

Ani: Take a look at the dock, do you know the defendant

PW1: Yes

Ani: Tell this court what you know about this case in relation to the defendant

PW1: Sometime early February 2019 the Commission's attention was drawn to the fraudulent activities of the defendant who set up his bait on net. Based on that the commission decided to set up a team of investigators to look into the case and I was one of them. In our action we sought for and obtained a search warrant and on 7/2/2019 we invaded the house of the defendant located at No 37, OJ Nnamani Crescent, Independent Layout, Enugu. The accused was arrested and his house and premises searched and in the process we recovered a labtop. The defendant was taken to our office. We instructed him to insert his password to his labtop and in the process we discovered some scanned document in his labtop. He accepted that he initiated the messages joined in his emails and he affirmed his signature and date on the document. After, we asked him if he has anything to say and he said yes. We brought EFCC statement sheet; he was cautioned and he voluntarily made his statement, where he stated that he actually represented himself to one Marian with intent to defraud her of the sum of 200 Dollars whereby he told her that he is Davis MC Kinnons a Laboratory technician and also the owner of Simbill Medical Laboratory. He further stated that he is a widower; that he has two children 8 & 10 years schooling in London. That he lost his wife over 4 years ago. That he needed a woman with whom he can spend the rest of his life with.

Ani: How many statements did he make

PW1: Four statements

Ani: Take a look at these documents are they the documents printed and duly signed by him

PW1: Yes these are the document

Ani: Take a look at these statement

PW1: Yes these are the statements he made and signed

Ani: We seek to tendered them in evidence

Abasie: No objection

Court: The bulk of mails printed from the accused person laptop is hereby admitted in evidence and marked Exh. A, while his statement to EFCC are admitted and marked Exhibits B, B1 to B3.

Ani: That is all for the witness.

Court: Cross-Examination

Abasie: I do not have any question for him.

Court: Ask accused if he had what PW1 testified.

Accused: Yes my lord.

Court: Are you still standing by your plea of guilty?

Accused Person: Yes my lord.

Ani: In view of the evidence of this PW1 and the accused's admission of same and maintain his plea of guilty, we urge my lord to convict the accused person.

Meanwhile, we have filed plea bargain agreement dated 6/3/2019. It is before my lord and we urge my lord to convict and sentence in terms of the plea bargain agreement

Court Ask the witness if he is aware of the agreement.

PW1: Yes, I'm aware of the agreement.

Abasie: I'm also aware and was part of it.

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

Allocutus:

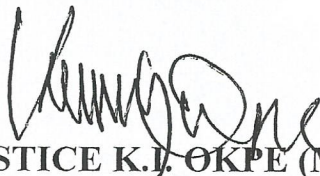
Abasie: I pray my lord to temper justice with mercy. The convict is a first time offender who out of ignorance And youthful exuberance was soliciting for equivalent sum of N70,000.00. It was caused by hunger and family situation of the convict. He has not gotten a dime from the internet scan and that was why the EFCC graciously entered into a plea bargain with us. The convict has stayed beyond one month in EFCC custody and we urge my lord to sentence him in accordance with the terms of the plea bargain agreement.

Ani: No record of previous conviction. The accused even corporated with the prosecution during investigation.

Court: I have seen the terms of the plea Bargain Agreement and this court will not confirm prison term that has lapsed. The parties are entitled to exercise their rights of entering into a plea bargain agreement Under S. 367(2) (3) & 4 of the Administration of criminal Justice law of Enugu State 2017 but in doing that the parties cannot reduce the Court to a mere rubber stamp to legitimize a past act. I will however abide by the one month prison sentence agreed to by the parties and accordingly the accused is sentenced to one month imprisonment with effect from today; with an option of fine of N30,000.00.

Counsel Appearances:

M. Ani Esq. for the Prosecution
S. Abasié Esq. for the defendant



HON. JUSTICE K.I. OKPE (MC Arb. UK)
JUDGE
13/03/2019

Certification
#350

File/4th