

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA.
ON WEDNESDAY THE 17TH DAY OF JULY, 2019
BEFORE HIS LORDSHIP,
HONORABLE JUSTICE IJEOMA L. OJUKWU
JUDGE

SUIT NO. FHC/ABJ/CR/117/2019

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA.....COMPLAINANT

AND

ADEGOR COLLINS (a.k.a. FRANK KELLY.....DEFENDANT

PARTIES:

Defendant is present.

APPEARANCES

Dichi Gershor Usman (Mrs): for the Prosecution.

R. C. Aneke with Ette Enobong and Ese Omimi for the Defendant.



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JUDGMENT

Upon the **Plea Bargain Agreement** filed on 10/07/19 filed at this court's Registry, made in pursuant to Section 270 of the Administration of Criminal Justice Act, 2015.

WHEREAS:

1. The defendant Adegor Collins (a.k.a. Frank Kelly) was arrested on the 27th of May, 2019 at MTN Road Okiriwhere Sapele Delta State based on an intelligence report



received by the Economic and Financial Crimes Commission on the 6th of May, 2019.

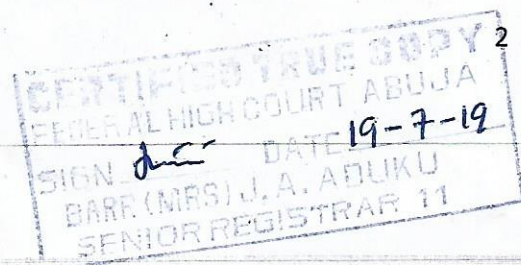
2. During the course of investigation, it was established that, the defendant impersonated one Frank Kelly an American citizen and fraudulently obtained 1 Tune cards worth the sum of Five Thousand Five Hundred US Dollars (\$5500) from one Maria Belena and another 1 Tune card worth One Thousand Eight Hundred US Dollars (\$1800) from one Cathy Peggy respectively.
3. The defendant during the course of investigation admitted his wrong doings, showed remorse for his actions and refunded the sum of one Thousand Eight Hundred United State Dollars (\$1800).
4. The defendant through his counsel has further applied to the Commission for plea bargain and the prosecution hereby accepts as stated herewith.

Court: Matter is for Arraignment charge is read and respond by the defendant in English Language to the satisfaction of the court and he appears perfectly to understand the charge and pleads as follows:

Count 1: A I am guilty

Count 2: I am guilty

Prosecution: The defendant has entered into a Plea Bargain Agreement and we urge the court that Judgment be entered accordingly. The Terms of the Plea bargain has been filed in the court's Registry.



Defendants Counsel: The Plea Bargain Agreement was entered and it was filed. The defendant and one of the Counsel signed the Plea Bargain Agreement.

Court: In view of the direct, positive and equivocal plea of guilty entered by the defendant and having regard to the fact that indeed the parties have entered a Plea Bargain Agreement which was filed in the registry of this court on the 10/7/19 in which terms are acceptable to the court, the Honourable Court therefore finds the defendant as follows:-

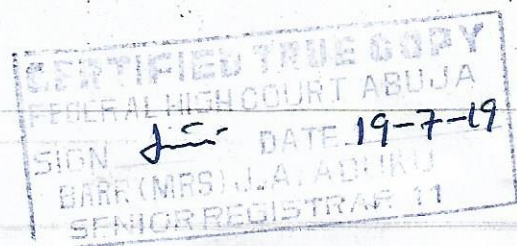
In count one: The defendant is found guilty as charged.

In count 2, the Defendant is found guilty as charged.

ALOCUTUS;

The convict is a first time offender of about 22 years of age and his whole life is ahead of him. He comes from a family of Nine and 6th in that family. He is presently attending a National Diploma Course in Delta State Polytechnic Oghara. He is also a trained Tiler.

Upon the arrest of the convict, he spent 3 months in EFCC custody which has allowed him time for sober reflections and he cooperated with EFCC officials. Through the information he gave the authorities, others were arrested. This period has shown that he will enter an undertaking to be of good behavior. His remorse made him refund the sum of \$1,800 (One Thousand Eight Hundred US Dollars).



The Plea Bargain has saved the state of financial burden and personnel that would have been deployed to prosecute this matter to his logical end time and resources have been saved. His father and Uncle are also in court and are honestly ashamed of what the convict has done and have pleaded to make a better man of the convict.

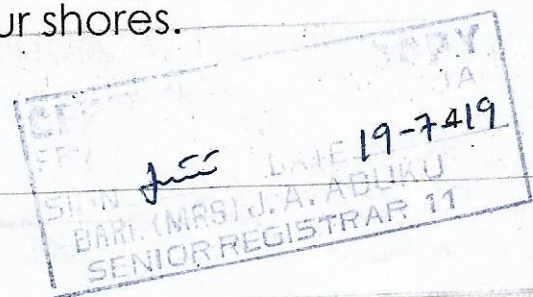
We are aware that sentencing is at the discretion of the court, this we pray that the court sentence him to the most minimum time of imprisonment with the most appropriate option of fine in view of his age. We are grateful.

Court to the Prosecution: Does the convict have any previous criminal records.

Prosecution: No my lord. He aided the course of investigation.

Court: I have heard the plea for leniency offered by the learned Counsel for the convict and the fact that the convict does not have a previous criminal record therefore and adjudged first offender. I am also persuaded by the Terms of the Plea bargain entered by the parties on the 9/7/19 and filed on the 10/7/19.

However, I must note that the Cyber crimes have become the vocation of some youths and it behoves the Law Enforcement Agencies, and private persons to put hands on deck in order to curb this menace which has given this country a negative name outside our shores.

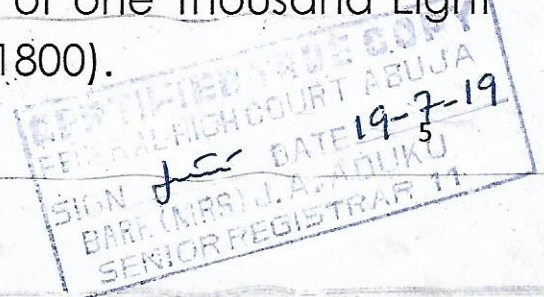


Parents must always check the lifestyles of their wards in order to ensure better parenting and monitoring. The convict is 22 years of age and he has informed the court that he expended the money for his siblings school fees and to assist his indigent mother. This does not constitute any justification but I will not loose sight of the fact that his heart is in the right place but through a wrong procedure.

Be that as it may, I have accepted the terms of the Plea bargain Agreement and I hereby adopt these terms as part of the Judgment of this court.

WHEREAS:

- 1 The defendant Adegor Collins (a.k.a. Frank Kelly) was arrested on the 27th of May, 2019 at MTN Road Okiriwhere Sapele Delta State based on an intelligence report received by the Economic and Financial Crimes Commission on the 6th of May, 2019.
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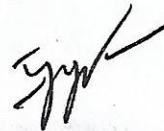


4. The defendant through his counsel has further applied to the Commission for plea bargain and the prosecution hereby accepts as stated herewith.

In addition, the convict is hereby sentenced to 6 months imprisonment on each count of the Charge or to a fine N100,000 (One Hundred Thousand Naira only on each count.

Both the custodial sentence and fine shall run concurrently. The convict shall enter into an undertaking to be of good behavior for the next 2 years.

The court so holds.



HON. JUSTICE IJEOMA L. OJUKWU
JUDGE
17/7/2019

