

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE IBADAN JUDICIAL DIVISION
HOLDEN AT IBADAN
ON WEDNESDAY THE 19TH DAY OF FEBRUARY, 2020
BEFORE HIS LORDSHIP, THE HONOURABLE
JUSTICE J.O. ABDULMALIK
JUDGE

SUIT NO: FHC/IB/63C/2019

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA.....COMPLAINANT

AND

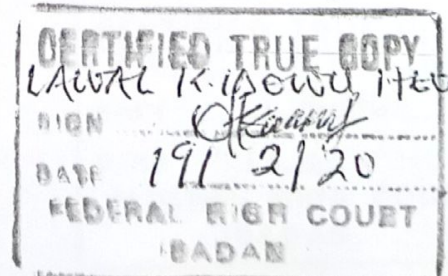
TEMITAYO ABIOLA OJO (A.K.A. JOHNSON DEBOD)- DEFENDANT

JUDGMENT

On the 28th day of January 2020, this court was seised of a one count Amended Charge which the learned prosecution counsel informed court was framed pursuant to a plea bargain agreement reached between the defendant on the one hand and prosecution on the other hand. The amended charge reads as follows:-

COUNT 1

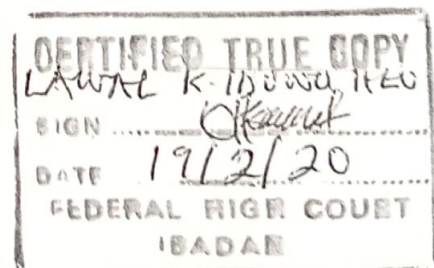
That you Temitayo Abiola Ojo 'm' (a. k.a. Johnson Debod) sometime in August, 2019 at Ibadan, Oyo State, within the jurisdiction of this Honourable Court, fraudulently impersonated one Johnson Debod via your email johnsondebod@gmail.com wherein you falsely represented yourself to one Asli Can that you are an American Citizen known as Johnson Debod, which you



knew to be false and thereby committed an offence contrary to **Section 22 (3) (b) and punishable under Section 22(4)** of the **Cyber Crimes (Prohibition, Prevention Etc)Act, 2015.**

After the one count amended charge was read and explained to the Defendant in English language, he informed Court he understood the amended charge against him and he then pleaded guilty to the amended charge. The Prosecution called on a lone witness to present corroborative evidence in furtherance of the amended charge preferred against the defendant.

PW1, Detective Adamu Kamal Gololo, is an operative at the Ibadan Zonal Office of Economic and Financial Crimes Commissioner (EFCC). He testified that based on a petition dated 5th day of August 2019, the Defendant was arrested on 7th August 2019, at Elebu Area, Ibadan, in company of some suspects on allegations of having committed advanced Fee Fraud. He stated that one black iPhone Xmax, a black Nokia Torchlight phone and one MTN modem were recovered from the Defendant. He also said the Defendant wrote three extra judicial statements dated 07/08/2019, 21/08/2019, and 9/10/19. He made particular reference to the Defendant's extra judicial statement dated 21/08/2019 wherein he said the Defendant confessed to have benefited Three Thousand United States of America Dollars from his victims in the course of the offence charged. He also told Court that fraudulent documents in support of the offence charged against the Defendant were printed from the Defendant's



email. These documents and items above mentioned were exhibited by the Prosecution. In furtherance of the Prosecution's case, the sum of \$3000 (USD) and the plea bargain agreement were admitted against the Defendant as Exhibit **D** and **H** respectively.

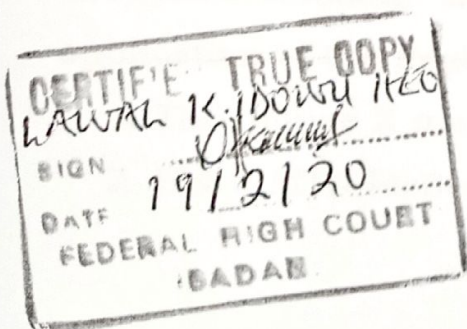
At the close of Prosecution's case, the learned defence counsel elected not to depreciate the evidence against the Defendant by way of cross examination and the Defendant had no cause to show why should not be convicted as charged.

It has settled by a plethora of judicial cases that a plea of guilty is valid if made (as in this instant case) in a very unambiguous and unequivocal way and the same is received by a Court, not labouring under the apprehension of what the law is. See **Amanchukwu v. FRN (2009) 8 NWLR (Pt. 1144) 475**. The Defendant's plea of guilty was very direct, and it pointed to the Defendant's intention to admit the offence charged. However despite the plea of guilty entered, there is fact of exhibit **H** which learned counsel Defendant confirmed as evidence of the plea bargain agreement reached between the Defendant and the Prosecution.

Predicated on the above plea of guilty entered by you, Temitayo Abiola Ojo, and the exhibit **H**, I hereby find you guilty for the offence as charged.



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HON. JUSTICE J .O. ABDULMALIK
(PRESIDING JUDGE)
19/2/2020



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SENTENCE

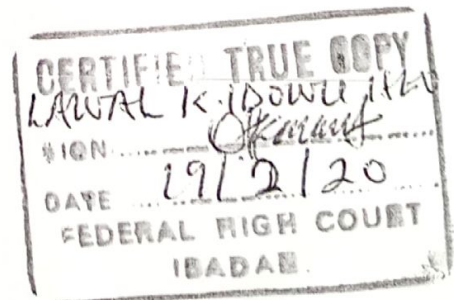
Court: I hereby sentence the convict to a reduced term of six months imprisonment at the Nigeria Correctional Service, Agodi to commence from 7th day of August 2019 when he was arrested and detained by officers of the Economic and Financial Crimes Commission.



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HON. JUSTICE J .O. ABDULMALIK
(PRESIDING JUDGE)
19/2/2020

Court: I also order the following items be forfeited to the Federal Republic of Nigeria via Economic and Financial Crimes Commission Ibadan zonal office, Oyo State subject to a formal application to the Registry of this Court.

1. The Iphone X max
2. Black MTN Modem



3. The sum of \$3000 (USD)

I so order.



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HON. JUSTICE J .O. ABDULMALIK
(PRESIDING JUDGE)

19/2/2020

Parties: Defendant present in Court.

Appearance: M.S. Usman (Esquire) for Prosecution.

