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IN THE HIGH COURT OF JUSTICE OF KWARA STATE

IN THE ILORIN JUDICIAL DIVISION

HOLDEN AT ILORIN

ON THURSDAY THE 11<sup>TH</sup> DAY OF AUGUST, 2022

BEFORE HIS LORDSHIP:-HON. JUSTICE I.A. YUSUF.....JUDGE

SUIT NO: KWS/74C/2022

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA .....COMPLAINANT

AND

ADETUBERU CHRISTOPHER .....DEFENDANT  
(ALIAS LILLY DONALD/JAMES EMMANUELLA)

JUDGMENT

The defendant is facing a two count charge of offences of cheating by personation.

The two counts are as follows:

COUNT ONE

That you Adetuberu Christopher (alias Lilly Donald) sometime in December, 2020, in Ilorin, within the jurisdiction of this Honourable Court, did cheat by personation when you pretended to be Lilly Donald, a white female with Gmail Account spuriockanita@gmail.com and induced one Donald Bower to send \$1, 800 (One Thousand, Eight Hundred USA Dollars) to you via cash APP and thereby committed an offence contrary to section 321 of the Penal Code and punishable under section 324 of the same Penal Code

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COUNT TWO

That you Adetuberu Christopher (alias James Emmanuella) between the months of March 2020 and April, 2020, in Ilorin, within the jurisdiction of this Honourable Court, did cheat by personation when you pretended to be James Emmanuella, a white female with Gmail Account Jamesemanuella66@gmail.com and induced one Donald Bower to send \$14,522 (Fourteen Thousand, Five Hundred and Twenty Two USA Dollars) to you via cash APP and thereby committed an offence contrary to section 321 of the Penal Code and punishable under section 324 of the same law.

The defendant pleaded guilty when the two counts were read and explained to him. Notwithstanding his plea of guilt, the prosecution called one witness in the person of Salaudeen AbdulRasaq, an operation with the EFCC and attached to the Advance Fee Fraud section.

He told the court that sometimes in July, 2022, the EFCC received intelligent report about the activities of some internet fraudsters residing at Jinala Street, Asa Local Government Area of Kwara State. Surveillance was placed in the area and on 22-07-2022, the defendant was arrested in his house at the said Jinala Street and was taken to the office of the EFCC in Ilorin for investigation.

In the course of investigation it was discovered that the defendant was operating fraudulent email addresses, namely: spuriockanit@gmal.com and Jamesemanuella66@gmail.com. It was also discovered that the defendant cheated one Donald Bower by inducing him into an online dating relationship after personating

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to the victim that he was a white female. He was sent the sums of \$1,800.00 (One Thousand Eight Hundred Dollars) and \$14, 522.00 (Fourteen Thousand, Five Hundred and Twenty-Two Dollars) by his victim.

The prosecution through the aid of Bank Verification Number (B.V.N) traced the defendant bank account to Guarantee Trust Bank Plc., the account number is 0168626185. The Naira equivalent of the total sums which the defendant defrauded his victim is said to be about N16 Million (Sixteen Million Naira). PW1 said the defendant used the proceeds of the illicit deals to purchase some properties. The following items were tendered by the prosecution and were admitted in evidence in the absence of any objection:

- i. One HP Laptop-Exhibit 1
- ii. iPhone 11 promax-Exhibit 2
- iii. Samsung x 9+-Exhibit 3
- iv. The key to the Lexus car with registration number RBC 126 BJ which was purchased by the defendant from the proceeds of the illicit deals-Exhibit 4
- v. 3 digital forensic forms filled by the defendant while in the custody of the EFCC- Exhibits 5, 5<sup>A</sup> and 5<sup>B</sup>.
- vi. One Hundred and Eleven pages of printed documents from the defendant's email-Exhibit 6
- vii. EFCC certificate of identification of the One Hundred and Eleven pages document-Exhibit 7
- viii. Two letters written by EFCC to GTBank on 28-07-2022-Exhibits 8 and 8<sup>A</sup>

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- ix. The response letter from GTBank-Exhibit 9
- x. Certificate of identification of the response letter printed from EFCC printer-Exhibit 10
- xi. Statements made by the defendant to the EFCC ON 26-07-2022, 29-07-2022, 01-08-2022, 02-08-2022, and 10-8-2022 Exhibit 11, 11A -11D respectively.
- xii. Deed of transfer between Babalola Olawaseyin Hery AND the defendant in respect of a piece of land situated at quarry of Jinulahi Street, Asa Local Government Area of Kwara State-Exhibit 12.
- xiii. The registration documents of the lexus car recovered from the defendant-Exhibit 13

Under cross examination by the defendant counsel, PW1 informed the court that he and his team investigated the case. He said the defendant voluntarily made his statements (exhibits 11 to 11D). He agreed with the defence counsel that the defendant is a first time offender. He is also aware that the defendant is currently serving as an NYSC member in Osun State.

At the end of the cross examination of the defendant, the prosecuting counsel urged the court to convict the defendant as charged. The defence counsel told the court that he has no objection for the conviction of the defendant.

The court has carefully considered that charge against the defendant, his plea of guilt, the evidence of the prosecution witness and the documents tendered as exhibits against the defendant. The defendant both in court and in his extra judicial statements admit that he committed the offences levied against him.

In actual fact, he did not profer any defence to the action and speaking through his counsel, he said he is not opposing his conviction by this court. In law the best evidence against a defendant standing trial is his own admission. See the case of Darlington vs. F.R.N. (2019) FWLR (pt. 1006) P.600 at 620. It is also the position of the law that facts on which the parties to a case are ad idem cease to be an issue for further

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dissipation of energy either by the parties by way of evidence or by the court way of resolution. See *Osagie vs. People of Lagos State* (2020) All FWLR (pt. 1048) P.275 at 337. Notwithstanding the above positions of the law, the prosecution in this case has adduced credible evidence against the defendant. I believe the evidence of the prosecution, which was not challenged, that the defendant committed the offences for which he was charged.

I find the defendant guilty of the offences of cheating by personation as charged in counts one and two of the charge and he is accordingly convicted.

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HON. JUSTICE I.A. YUSUF  
JUDGE  
11/08/2022.

#### ALLOCUTUS

Mr. Isiaq: One of the objectives of sentence is deterrent. There is enough facts before the court that the defendant is deterred for the offences he committed. The defendant is ready to surrender all the properties recovered from him to the appropriate authority. He is ready to turn a new leaf. We urged the court to give the defendant a non custodian sentence. We urge the court to temper justice with mercy.

Mrs. Alao: We have no record of previous conviction. In addition to the sentence to be imposed by this court, we urge the court to order the forfeiture of exhibits 1, 2, 3, 4 and 12 to the Federal Government being proceeds of crime.

Also the balance in the defendant GTBank account be forfeited to the Federal Government.

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SENTENCE

I have carefully considered the allocutus made on behalf of the convict and the response of the prosecuting counsel, in view of the fact that the convict is presently serving his compulsory National Youth Service Corps in Oyo State, I am inclined to temper justice with mercy.

The convict is hereby sentenced to two years in the Correctional Centre or pay a fine of ₦100,000.00 for each of the two counts he was convicted.

In addition, the convict is to forfeit the following properties to the Federal Government of Nigeria

- i. HP Laptop tendered as exhibit 1
- ii. iPhone 11 promax tendered as exhibit 2
- iii. Samsung x9+ tendered as exhibit 3
- iv. Lexus Toyota car with registration number RBC 126 BJ recovered from the convict and the key to the car tendered as exhibit 4
- v. The landed property covered by the Deed of Assignment between one Babalola Oluwaseyin and the convict tendered as exhibit 12
- vi. The balance sum in the account of the convict with GTBank

EXERP-24161-Df944  
07/02/2023  
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OFFICIAL

Car seized by me

12-9-2022

Olasanboko, pelinde

Registrar

CT-C 7500



7/2/2023



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HIGH COURT OF JUSTICE  
DATE: 11/08/2022.  
HON. JUSTICE I.A. YUSUF  
ILORIN

HIGH COURT OF JUSTICE  
DATE: 7/2/2023  
ILORIN