

IN THE HIGH COURT OF JUSTICE OF KWARA STATE
IN THE ILORIN JUDICIAL DIVISION
HOLDEN AT ILORIN

SUIT NO: KWS/105^C/2021

BEFORE HIS LORDSHIP, HONOURABLE JUSTICE .M. ABDULGAFAR

BETWEEN:

FEDERAL REPUBLIC OF NIGERIACOMPLAINANT

AND

JATTO SHERIF UMAR.....DEFENDANT

JUDGMENT

1. The defendant was arraigned before this court on a two count charge alleging as follows:-

i. COUNT 1

That you Jatto Sheriff Umar (Mark Zuckerberg) sometimes between April 2020 and April 2021 in Ilorin, within the jurisdiction of this Honourable Court did attempt to cheat one Danny Smith by personation, when you pretended to be Mark Zuckerberg, the Founder of Facebook Social Media platform with gmail account markzuckerb63@gmail.com and thereby committed an Offence Contrary to Section 95 of the Penal Code and Punishable Under Section 324 of the same Penal Code Law.

COUNT 2

That you Jatto Sheriff Umar ON OR ABOUT THE 30TH DAY OF April 2021, in Ilorin, within the jurisdiction of this Honourable Court did cheat by personation, by pretending to be one Erskine Bowles, a citizen of United State of America, with WhatsApp

Number +19375831856 and in that guise induced one Anitra Veeren to send the sum of \$150 (One Hundred and Fifty Dollars) through Gift cards and thereby committed an Offence Contrary to Section 321 of the Penal Code Law and Punishable Under Section 324 of the same Penal Code Law.

2. After the plea of the defendant was taken, the prosecution called Det. Eze Uche as its lone witness. It is the evidence of Pw1 that following intel received by his office regarding the activities of internet fraudsters in Ilorin metropolis. It is the evidence of Pw1 that upon a sting operation conducted by operatives of EFCC the defendant was arrested on 23/7/21.

Pw1 stated that the defendant was found with an phone 12 pro max and a mac book. Pw1 further stated that the defendant was given the computer/telephone ownership attestation form to complete and he did by supply the details of his devices, his email addresses, password.

3. Pw1's evidence is that on accessing the defendant devices, it reveal that he had opened email in the style of mrkzuckerb63@gmail.com which he pretended to be Mark Zuckerberg the founder of Facebook platform and attempted to induce his victim on the representation that won a N3, 000, 000 lottery. His victim was able to decline to send him his account details.

4. It is also the evidence of Pw1 that the defendant created a whatsapp in the name of Euskine Bowles and used it to induce Anita Veeren to send him \$150 worth of gift cards. It is the evidence of Pw1 that the fraudulent emails were printed out in the presence of the defendant who acknowledge by endorsing on each page before volunteering

statements where he confessed to committing the offences and has
restituted by paying the sum of N77,000.

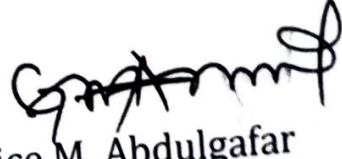
Mr. Mbachie for the prosecution in his address urged the court to hold
that from the evidence of Pw1, exhibits 1 to 7 and the defendant's guilty
plea that the prosecution has established the case against the defendant
beyond reasonable doubt. The court is urged to convict the defendant
and sentence him in accordance with the terms of the plea bargain he
signed with the prosecution

Hon. Atolagbe had nothing to urge in favour of the defendant.

6. I find as a fact that the prosecution has established the case against the
defendant in the light of the evidence of Pw1 and the guilty plea of the
defendant.

I convict you Jatto Sheriff Umar of attempting to cheat one Danny Smith
by impersonation when you pretended to be Mark Zuckerberg contrary
to section 324 of the penal code law.

I also convict you Jatto Sheriff Umar of cheating by personation when
you pretended to be Erskine Bowles and induced Anita Veeren to send
him \$150 worth of gift card contrary to section 321 of the penal code
law.


Hon. Justice M. Abdulgafar
Judge
13/10/21

Appearances

I.I. Mbachie for prosecution

Hon. B. Atolagbe for defendant.

statements where he confessed to committing the offences and has restituted by paying the sum of N77, 000.

5. Mr. Mbachie for the prosecution in his address urged the court to hold that from the evidence of Pw1, exhibits 1 to 7 and the defendant's guilty plea that the prosecution has established the case against the defendant beyond reasonable doubt. The court is urged to convict the defendant and sentence him in accordance with the terms of the plea bargain he signed with the prosecution

Hon. Atolagbe had nothing to urge in favour of the defendant.

6. I find as a fact that the prosecution has established the case against the defendant in the light of the evidence of Pw1 and the guilty plea of the defendant.

I convict you Jatto Sheriff Umar of attempting to cheat one Danny Smith by impersonation when you pretended to be Mark Zuckerberg contrary to section 324 of the penal code law.

I also convict you Jatto Sheriff Umar of cheating by personation when you pretended to be Erskine Bowles and induced Anita Veeren to send him \$150 worth of gift card contrary to section 321 of the penal code law.



Hon. Justice M. Abdulgafar
Judge
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Appearances

I.I. Mbachie for prosecution

Hon. B. Atolagbe for defendant.

SENTENCE

I have considered the plea in mitigation by Mr. Herry Adekunle and sentence you Jatto Sheriff Umar to a 6 months term at Mandala Correctional Center on Count 1.

I also sentence you Jatto Sheriff Umar to a term of 6 months on count 2.

Both terms which are hereby suspended shall run concurrently under the supervision of Mr. Azeez of the non-custodian Unit of Nigeria Correctional Services.

Exhibits 1 , 2 and 6 that is the iphone 12 pro max, the mac book and Gtbank draft are forfeited to Federal Government of Nigeria.



Hon. Justice M. Abdulgafar

Judge

13/10/21