

**IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE CALABAR JUDICIAL DIVISION
HOLDEN AT CALABAR
ON WEDNESDAY THE 23RD DAY OF FEBRUARY 2022
BEFORE HIS LORDSHIP HONOURABLE JUSTICE IJEOMA L. OJUKWU
JUDGE
CHARGE NO: FHC/CA/11C/2022**

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA - COMPLAINANT

AND

BASSEY UBONG JOHN - DEFENDANT
(A.K.A. JULIANA OLIVIERA PERREIRA)

PROCEEDING/JUDGMENT

Defendant is present in court.

Appearances

S. S. Aribido for the Prosecution.

C. N. Nweke Jnr. for the Defendant.



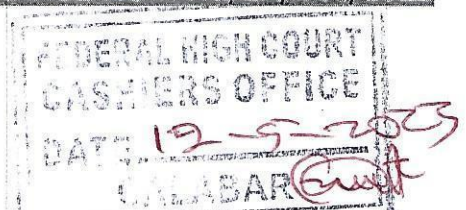
Prosecutor: We have a one count charge dated 15th day of February 2022 and filed 17th day of February 2022. We apply that he takes his plea.

Court: The Matter for Arraignment.

The Charge for which the Defendant is standing trial is couched as follows:

“That you BASSEY UBONG JOHN A.K.A Juliana Oliveira Perreira on or 9th day of February 2022 in Nigeria within the jurisdiction of this Honourable Court fraudulently impersonated one Juliana

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Oliviera Perreira (an American) and thereby committed an offence contrary to Section 22 (2) (b) (i) & (ii) of the Cyber Crimes (Prohibition, Prevention), Act 2015 and punishable under Section 22 (2) (b) (iv) of the same Act.

The Charge is read and explained to the Defendant in English language to the satisfaction of the Court and he appears perfectly to understand the Charge and Pleads;

Defendant: I am guilty.

Prosecution: We urge the Court to Convict the Defendant based on his plea and in line with the Plea Bargain Agreement before this Court. It is filed 17th day of February 2022 and entered freely and voluntarily by the parties. We urge the court that the terms of the agreement be adopted as the sentence of this court. We so urge the court.

Court to Defendant: Did you voluntarily enter into a plea bargain agreement with the Prosecuting Authority EFCC ?

Defendant's Counsel: Yes, my lord, he did. We are not objecting, the defendant freely entered into the agreement with the consent of both parties.

Defendant: I voluntarily entered into the plea bargain agreement.

Court: Having satisfied myself that the Defendant voluntarily entered into a plea Bargain Agreement with the Prosecuting Authority EFCC, which was filed the 17th day of February 2022, and in view of the direct, positive and unequivocal plea of guilt offered by the Defendant, I hereby find the Defendant Bassey Ubong John Guilty as charged.

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Allocutus:

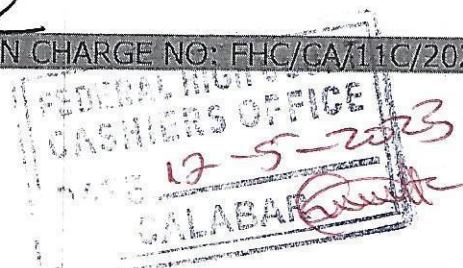
Counsel: My lord on behalf of the convict, I plead with the court to temper justice with mercy. We pray leniency. The Convict is a first time offender, he has no criminal records and has shown remorse. We are asking that the Court temper justice with mercy and exercise her discretion. I am doing this case pro-bono. If my lord would peruse through the plea bargain agreement, my lord will find that he has just a mere Tecno phone and he did not benefit from the crime. Convict is an orphan and I am standing in the place of his parents to ask for mercy of this court. We urge the court to consider an option of fine on liberal terms.

Court to Prosecution: Does the Convict have any known criminal record?

Prosecution: None to my knowledge. No history of previous conviction.

Court: I have heard the allocution of learned counsel C. N. Nweke Jnr. on behalf of the Convict and his entreaty for the Court to impose a lesser sentence. I have also taken into consideration that the Convict has no known criminal records as stated by the learned prosecuting counsel S.S. Aribido, therefore an adjudged first time offender.

The Convict is said to be 22 years of age, a young adult who can channel his energy positively if well guided and if he would shun peer pressure. The prevalence of this genre of offence among the youths is so disheartening and something has to be done to curtail the spread, especially as a result of the negative image given to the country. This should not be encouraged. However, I do not think that Custodial Sentence without more will afford the



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convict the time and opportunity for rehabilitation and to re-channel his energy positively.

Being that he has shown remorse and has not wasted the time and resources of this Court and having given ample consideration to the Plea Bargain Agreement filed on the 17th day of February 2022, entered into and signed by all the relevant parties, I hereby sentence the Convict as follows in view of Section 270 II (b) of the Administration of Criminal Justice Act.

1. The Convict Bassey Ubong John is sentenced to One (1) year Imprisonment or to a fine of ₦500,000.00 (Five Hundred Thousand Naira) only in the alternative.
2. The Convict shall forfeit to the Federal Government of Nigeria one Techno mobile phone and all recovered by the Economic and Financial Crimes Commission which are the instruments of crime recovered by the Commission in the course of investigation.
3. The Economic and Financial Crimes Commission shall dispose of the above items by public auction and the proceeds paid into Federal Government coffers.
4. That this plea bargain agreement is only in relation to the one count charge of Cyber Impersonation filed the 17th day of February 2022 and does not extend to any other criminal charge.
5. The Convict shall enter into an undertaking to be of good behaviour and refrain from any action that may bring him in conflict with the law.

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[Handwritten signature]

6. Convict to be remanded at the Correctional Service until the sentence is complied with.

The Court so holds.

HONOURABLE JUSTICE IJEOMA L. OJUKWU

JUDGE

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CC of Record of Proceedings/Judgment - Also see

in Calabar