

**IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE CALABAR JUDICIAL DIVISION
HOLDEN AT CALABAR
ON MONDAY THE 28TH DAY OF MARCH 2022
BEFORE HIS LORDSHIP HONOURABLE JUSTICE IJEOMA L. OJUKWU
JUDGE
CHARGE NO: FHC/CA/35C/2022**

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA - COMPLAINANT

AND

**ENYA ABOLI SAMUEL - DEFENDANT
(A.K.A ISHMEIL ASHASHMI)**

PROCEEDING/JUDGMENT

Defendant is present in Court.

Appearances


S. R. Akinrilade for the Prosecution.

Francis Ezike for the Defendant.

Prosecutor: My lord humbly we have a one count charge dated 9th day of March 2022 and filed 14th day of March 2022. We apply that the charge be read to the defendant to take his plea on the charge.

Court: The Matter for Arraignment.

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


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FEDERAL HIGH COURT, CALABAR
JOYLYNE COLE, ESQ.
SENIOR REGISTRAR I
12/25/2023**

FEDERAL REPUBLIC OF NIGERIA VS ENYA ABOLI SAMUEL CHARGE NO: FHC/CA/35C/2022


**FEDERAL HIGH COURT
REGISTRARS OFFICE
DATE 12-5-2023
CALABAR**

"That you **ENYA ABOLI SAMUEL** sometime in 2022 in Nigeria within the jurisdiction of this Honourable Court with intent to gain advantage for yourself, fraudulently presented yourself as ISHMEIL ASHASHIMI an Arab National to your victims on Instagram 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: My lord, the plea of the defendant is in consonance with the plea bargain agreement filed before the court. We adopt the agreement and urge the Court to Convict the Defendant based on his plea and in line with the content of the Plea Bargain Agreement before this Court. It is filed 14th day of March 2022 and entered freely and voluntarily by the parties. We urge the court to convict the defendant and 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.

Defendant: I voluntarily entered into the plea bargain agreement.

FEDERAL REPUBLIC OF NIGERIA VS ENYA ABOLI SAMUEL CHARGE NO: FHC/CA/35C/2022 RT

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SENIOR REGISTRAR

CLERK'S OFFICE
DATE 12-5-2023
CALABAR

Court: Having been satisfied that the Defendant voluntarily entered into a plea Bargain Agreement with the Prosecuting Authority EFCC, which was filed the 14th day of March 2022, and in view of the direct, positive and unequivocal plea of guilt offered by the Defendant, I hereby find the Defendant **ENYA ABOLI SAMUEL** Guilty as charged.

Allocutus:

Counsel: My lord on behalf of the convict, I plead with the court to temper justice with mercy. We take this case pro bono. We pray leniency. We urge the court to take into account that the Convict is a first time offender. He showed remorse and he is repentant, he has no criminal records. We are asking that the Court temper justice with mercy and exercise her discretion. His father is in court and he has undertaken turn away from crime. He did not benefit from the offence before he was nabbed. We are likely going to pay the fine as the father is a school teacher. We urge the court to invoke section 270 11 (b) of the ACJA in sentencing the convict.

PROSECUTOR: We urge the court to confine to the terms of the Plea Bargain Agreement even if he is first time offender.

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 Francis Ezike on behalf of the Convict and his entreaty for the Court to impose a minimal monetary sentence and not custodial. I have also taken into consideration that

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FEDERAL REPUBLIC OF NIGERIA VS ENYA ABOLI SAMUEL CHARGE NO: FHC/CA/35C/2022

12/05/2023

FEDERAL HIGH COURT
CASHERS OFFICE
DATE 12-5-2023
CALABAR

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FEDERAL HIGH COURT, CALABAR
BY *[Signature]* LYLYNE COLE, ESQ.
SENIOR REGISTRAR I
12/05/2023

the Convict has no know criminal records as stated by the learned prosecuting counsel S. R. Akinrilade therefore an adjudged first time offender.

The Convict is said to be 22 years of age and old enough to know better. Crime does not have any justification. The prevalence of this genre of offence in our society is so disheartening and something urgent 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 convict the time and opportunity for rehabilitation and to re-channel his energy positively.

I have taken into consideration that he has allegedly 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 14th day of March 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 **ENYA ABOLI SAMUEL** is sentenced to six (6) months Imprisonment or to a fine of N800,000.00 (Eight hundred thousand naira) only in the alternative.
2. That this plea bargain agreement is only in relation to the one count charge of Cyber Impersonation filed the 14th day of March 2022 and does not extend to any other criminal charge.
3. 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.

FEDERAL HIGH COURT
CASHIERS OFFICE
12-5-2023
CALABAR *[Signature]*

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

The Court so holds.

HONOURABLE JUSTICE IJEOMA L. OJUKWU FCIArb
JUDGE
28/03/2022

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JEYLYNE COLE, ESQ.
SENIOR REGISTRAR I.
12/05/2023

FEDERAL HIGH COURT
CASHIERS OFFICE
DATE 12-5-2023
[Signature]

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