

**IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE CALABAR JUDICIAL DIVISION
HOLDEN AT CALABAR
ON WEDNESDAY THE 9TH DAY OF MARCH 2022
BEFORE HIS LORDSHIP HONOURABLE JUSTICE IJEOMA L. OJUKWU
JUDGE
CHARGE NO: FHC/CA/30C/2022**

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA - COMPLAINANT

AND

FELIX ENEH - DEFENDANT
A.K.A. JAMES DANI

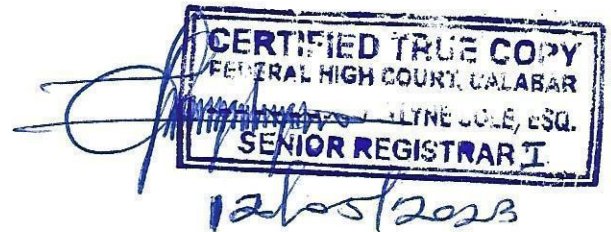
PROCEEDING/JUDGMENT

Defendant is present in court.

Appearances

J.O. Abolarin for the Prosecution.

Koko Essien with E.A. Ikegbu for the Defendant.



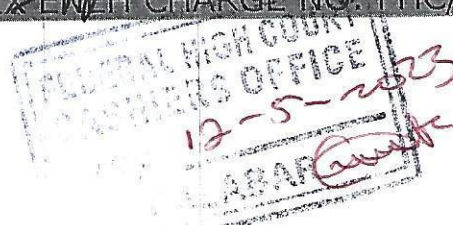
Prosecutor: We have a one count charge dated 21st day of February 2022 and filed 7th day of March 2022. We apply that he takes his plea.

Court: The Matter for Arraignment.

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

“That you FELIX ENEH A.K.A. JAMES DANI ‘M’ sometime in February 2022 in Nigeria within the jurisdiction of this

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Honourable Court in an attempt to and with the intent to gain advantage for yourself did purchase a fictitious facebook account with profile name James Dani and thereby committed an offence contrary to Section 27 (1) (a) 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.

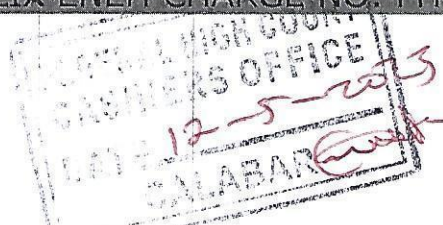
Prosecution: We urge the Court to Convict the Defendant based on his plea and in line with the Plea Bargain Agreement before this Court. It is filed 7th day of March 2022 and entered freely and voluntarily by the parties. We urge the court that the terms of the agreement be adopted as the sentence of this court. We so urge the court convict the defendant by virtue of Section 270 of the ACJA.

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: Yes my lord. I voluntarily entered into the plea bargain agreement.

Court: I am satisfied that the Defendant voluntarily entered into a plea Bargain Agreement with the Prosecuting Authority EFCC; which was filed the 7th day of March 2022, and in view of the direct, positive and unequivocal

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plea of guilt offered by the Defendant, I hereby find the Defendant Felix Eneh Guilty as charged.


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SENIOR REGISTRAR I
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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. He is a student of the University of Uyo. His Mother is a petty trader in Lagos and she has been begging me to help them. We are asking that the Court temper justice with mercy and exercise her discretion.

I am here on pro-bono because they cannot afford the legal fees. We urge the court to consider an option of fine on liberal terms so that we can afford it. A high fine will be as good as custodial sentence. He has not benefited anything from the crime and he was only pushed to do it. He is the only child of the poor woman. Thank you sir.

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

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

Court: I have heard the allocution of learned counsel Koko Essien 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 know criminal records as stated by the learned prosecuting counsel J.O. Abolarin, therefore an adjudged first time offender.


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The Convict is said to be a student and a young adult who can channel his energy positively if he would shun peer pressure to get rich without hard work. However the prevalence of this genre of offence among the youths 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 and the impact on the victims of crime. This should not be encouraged. Be that as it may I do not believe that Custodial Sentence without more will afford the 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 7th 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 Felix Eneh is sentenced to Six (6) Months 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 Povoir 3 Air mobile phone which is the instrument of crime recovered by the Commission in the course of investigation.
3. The Economic and Financial Crimes Commission shall dispose of the above item by public auction and the proceeds paid into Federal Government Treasury.

[Handwritten Signature]

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JOYLYNE COLE, ESQ.
SENIOR REGISTRAR

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4. That this plea bargain agreement is only in relation to the one count charge of Cyber Impersonation filed the 7th day of March 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.
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
09/03/2022



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CC of Record of Proceeding/Judgment - #190-00
