

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE CALABAR JUDICIAL DIVISION
HOLDEN AT CALABAR
ON WEDNESDAY THE 30TH DAY OF MARCH 2022
BEFORE HIS LORDSHIP HONOURABLE JUSTICE IJEOMA L. OJUKWU
JUDGE
CHARGE NO: FHC/CA/46C/2022

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA - COMPLAINANT

AND

GABRIEL OKONGOR - DEFENDANT
A.K.A MARK WILLIAMS

PROCEEDING/JUDGMENT

Defendant is present in court.

Appearances

S. R. Akinrilade for the Prosecution.

E.A. Ikegbu for the Defendant.

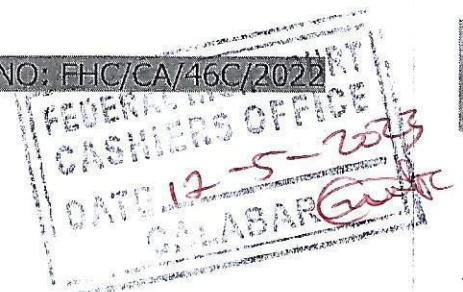


Prosecutor: My lord humbly we have a one count charge dated 11th day of March 2022 and filed 14th day of March 2022. We apply that he takes his plea on the charge.

Court: The Matter for Arraignment.

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

FEDERAL REPUBLIC OF NIGERIA VS GABRIEL OKONGOR CHARGE NO: FHC/CA/46C/2022





"That you **GABRIEL OKONGOR (A.K.A MARK WILLIAMS)** on or sometime in February 2020 in Calabar, within the jurisdiction of this Honourable Court did fraudulently represented yourself to be one Mark Williams, a purported American by using e-mail address mark701williams67 with intent to obtain money, property or any advantage from one Ms Raquel and other unsuspecting persons, the pretence you knew to be false and thereby committed an offence contrary to Section 22 (2) (b) (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;

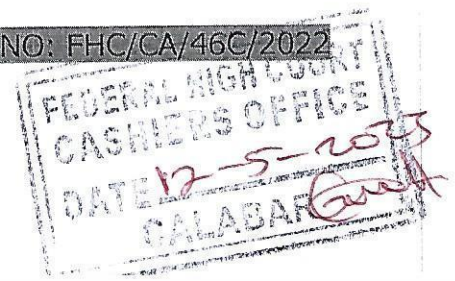
Defendant: I am guilty.

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 humbly pray the court that the terms of the agreement be adopted as the sentence of this court. We urge my lord to align with our terms.

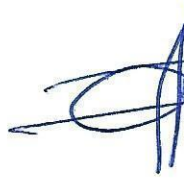
Court to Defendant: Did you voluntarily enter into a plea bargain agreement with the Prosecuting Authority EFCC?

Defendant's Counsel: Yes, my lord, he did.

Defendant: I voluntarily entered into the plea bargain agreement.



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 **GABRIEL OKONGOR (A.K.A MARK WILLIAMS)** Guilty as charged.


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JAYLYNE COLE, ESQ.
SENIOR REGISTRAR
12/05/2023


Allocutus:

Counsel: My lord on behalf of the convict, I plead with the court to temper justice with mercy. We pray leniency. We urge the court to take into account that the Convict is a first time offender. He has just finished secondary school. He has showed remorse and he is repentant, he has no criminal records. I have been talking to him and he has realized his mistake. We are asking that the Court temper justice with mercy and exercise her discretion in imposing a lesser sentence. He was abandoned by his mother at a young age and is being taken care of by his grandmother who is bed ridden. We pray the court to give him option of fine. The section of the law he is charged with gives the court to lower the sentence outside the agreement. He will make the restitution here in court. We so urge the court.

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

Prosecution: None to my knowledge. No history of previous conviction. However my lord, convict is 18 years but he has benefited from the crime.

Court: I have heard the allocution of learned counsel E. A Ikegbu on behalf of the Convict and his entreaty for the Court to impose a minimal non-


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custodial sentence. I have also taken into consideration that 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 18 years of age, he is within the age of criminal responsibility, though a young adult. Crime does not have any justification and one is left to wonder what the convict may indulge in when he is older if he is not properly checked at this young age. The prevalence of this genre of offence in our society calls for something urgent to curtail the spread, especially as a result of the negative image given to the country and the toll on the victims of crime. 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 intellect positively.

I have taken into consideration 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 14th day of March 2022, entered into and signed by all the relevant parties, and the fact that the Commission made a proposal on the Plea Bargain Agreement, I hereby sentence the Convict as follows in view of Section 270 (11) (b) of the Administration of Criminal Justice Act.

1. The Convict **GABRIEL OKONGOR** is sentenced to One (1) year Imprisonment or to a fine of ₦800,000.00 (Eight Hundred Thousand Naira) only in the alternative.


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SENIOR REGISTRAR
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CALABAR

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FEDERAL HIGH COURT, CALABAR
J. ALTHEA OLUÉ, ESQ.
SENIOR REGISTRAR I

[Handwritten signature]
12/05/2022

2. The Convict shall forfeit to the Federal Government of Nigeria One iPhone 12 Mobile Phone which is the instrument of crime recovered by the Commission in the course of investigation.
3. The Convict shall retribute to his victims the sum of \$1,000 (One Thousand US Dollars) through the Economic and Financial Crimes (EFCC) being the proceeds of crime benefited by the convict. This sum shall be deposited in court and shall be handed over to the EFCC by due process.
4. The payment of the restitution above shall be a condition for the release of the Convict from the appropriate Nigerian Correctional Service.
5. The Economic and Financial Crimes Commission shall dispose of the above items by public auction and the proceeds paid into Federal Government Treasury.
6. 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.
7. 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.
8. Convict to be remanded at the Correctional Service Facility until the sentence is complied with.

The Court so holds.

[Handwritten signature]

HONOURABLE JUSTICE IJEOMA L. OJUKWU FCIA/B
JUDGE
30/03/2022

FEDERAL HIGH COURT
CASHIERS OFFICE
DATE 12-5-2022
CALABAR

FEDERAL REPUBLIC OF NIGERIA VS GABRIEL OKONGOR CHARGE NO: FHC/CA/46C/2022

[Handwritten note:] All of Record of Proceedings / Judgment - All 90.00