

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE CALABAR JUDICIAL DIVISION
HOLDEN AT CALABAR
ON WEDNESDAY THE 11TH DAY OF MAY 2022
BEFORE HIS LORDSHIP HONOURABLE JUSTICE IJEOMA L. OJUKWU
JUDGE
CHARGE NO: FHC/CA/99C/2022

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA - COMPLAINANT

AND

ONGUNTUBOR VICTOR ROLAND - DEFENDANT
A.K.A JACK ARNOLD, JAMES ARNOLD

PROCEEDING/JUDGMENT

Defendant is present in court.

Appearances

S. R. Akinrilade for the Prosecution.

Udeme Tom for the Defendant.

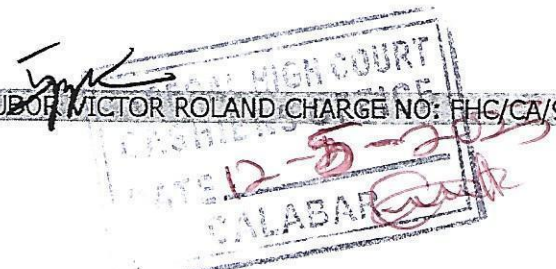


Prosecutor: My lord humbly we have a one count charge dated 20th day of April and filed 28th day of April 2022. We apply that he takes his plea on the charge.

Court: The Matter for Arraignment.

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

FEDERAL REPUBLIC OF NIGERIA VS ONGUNTUBOR VICTOR ROLAND CHARGE NO: FHC/CA/99C/2022



"That you **ONGUNTUBOR VICTOR ROLAND A.K.A JACK ARNOLD, JAMES ARNOLD** sometime in 2020 in Nigeria, within the jurisdiction of this Honourable Court fraudulently represented yourself to be one Jack Arnold, James Arnold, using gmail address arnoldjack6567@gmail.com with intent to obtain the money, property or any advantage from one Linda Murray, steel metal and 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 28th day of April 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:

I am satisfied that the Defendant voluntarily entered into a plea Bargain Agreement with the Prosecuting Authority EFCC, which was filed the 28th day of April 2022, and in view of the direct, positive and unequivocal plea of guilt offered by the Defendant, I hereby find the Defendant **ONGUNTUBOR VICTOR ROLAND A.K.A JACK ARNOLD, JAMES ARNOLD** Guilty as charged.

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 and has shown remorse and he is repentant, he has no criminal records. My lord should kindly look at his countenance, 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 non-custodial sentence. His only relative here is his sister. In addition, we appreciate the court and incidentally, most of them cannot even afford the fine imposed.

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 Udeme Tom on behalf of the Convict and his plea non-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. Akinrinlade therefore an adjudged first time offender.



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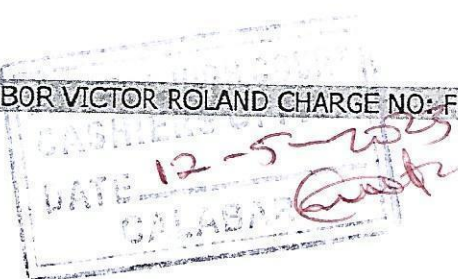
I note that the prevalence of this genre of offence in our society calls for something urgent to curtail the spread, especially as a result of the negative image given to the country and the toll on the victims of crime. This should not be encouraged. However, I do not think that Custodial Sentence without more will afford the convict the time and opportunity for rehabilitation and to re-channel his intellect positively, especially as he is a first time offender.

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 28th day of April 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 **ONGUNTUBOR VICTOR ROLAND** 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 iPhone X Mobile Phone which is the instrument of crime recovered by the Commission in the course of investigation.
3. The Convict shall restitute to his victims the sum of \$350 (Three Hundred and Fifty 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 Deputy Chief Registrar shall hand over to the EFCC by due process.

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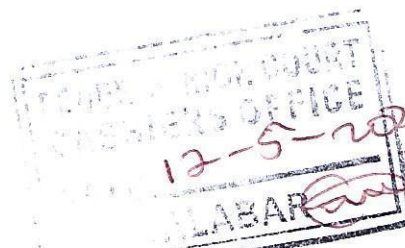
4. The payment of the restitution above shall be a condition for the release of the Convict from the appropriate Nigerian Correctional Service.
5. The Economic and Financial Crimes Commission shall dispose of the above items by public auction and the proceeds paid into Federal Government Treasury.
6. That this plea bargain agreement is only in relation to the one count charge of Cyber Impersonation filed the 28th day of April 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.



HONOURABLE JUSTICE IJEOMA L. OJUKWU FCIArb
JUDGE

11/05/2022



FEDERAL REPUBLIC OF NIGERIA VS ONGUNTUBOR VICTOR ROLAND CHARGE NO: FHC/CA/99C/2022

Cte of Record of Proceeding/Judgment - 11/05/2022



11/05/2022