

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ASABA JUDICIAL DIVISION
HOLDEN AT ASABA
ON FRIDAY THE 5th DAY OF JULY, 2019
BEFORE HIS LORDSHIP, HON. JUSTICE DR. NNAMDI O. DIMGBA
JUDGE

SUIT NO: FHC/ASB/CR/61C/19

BETWEEN:

FEDERAL REPUBLIC OF NIGERIACOMPLAINANT

AND

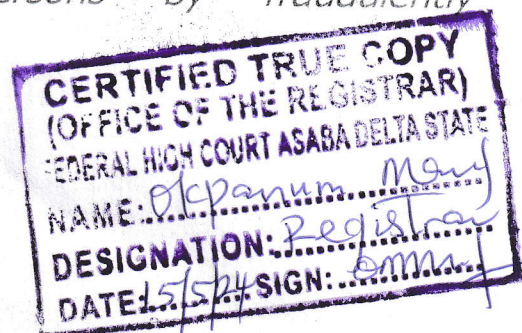
OMOIYEBARIA UDODEFENDANT

JUDGMENT

On the basis of a plea bargain agreement dated and filed 03/07/2019, between the Federal Republic of Nigeria (Complainant), (represented by the Economic and Financial Crimes Commission (EFCC) and Omoiyebaria Udo (Defendant), the Charge against the Defendant is dated and filed 03/07/2019 and alleges as follows:

That you Omoiyebaria Udo, sometimes in June 2019 in Ekpoma, Edo State within the jurisdiction of this Honourable Court and with intent to obtain property, did obtain the sum of \$400.00 (Four Hundred United State Dollars) from persons by fraudulently

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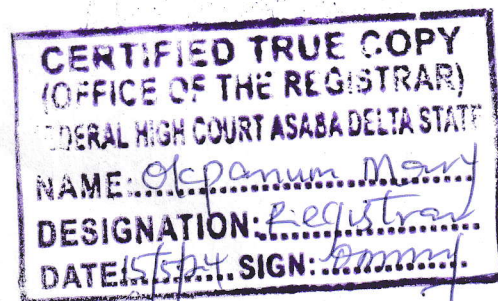


impersonating a member of the Illuminati and thereby committed an offence contrary to section 22(2) (b) (ii) of the Cybercrime (Prohibition Prevention) Act 2015 and punishable under section 22(2) (b) (iv) of the same Act.

On the 05/07/2019 the Defendant was arraigned and a plea was taken with the Defendant pleading guilty to the one count charge. The matter progressed to hearing. The Prosecution in an effort to prove that the Defendant committed the offence alleged, despite his plea, called one witness, **Chika Uneke (PW1)** who after the administration of oath testified to the Defendant's arrest and all the effort and steps taken by the Economic and Financial Crimes Commission (EFCC), following the Defendant's apprehension, to establish the crime. Four (4) **Exhibits** were tendered through the PW1 as follows:

1. Statement of the Defendant, dated 28/06/2019 – admitted as **Exhibit OU1**.
2. Document generated from social medial account- admitted as **Exhibit OU2**.
3. 2 Techno phones, 1 Nokia phone, 1 iphone7- admitted as **Exhibit OU3a, OU3b, OU3c, OUC4** respectively.
4. HP laptop- admitted as **Exhibit OU4**.

The learned counsel to the Prosecution urged the Court to convict the Defendant based on his plea of guilt and the



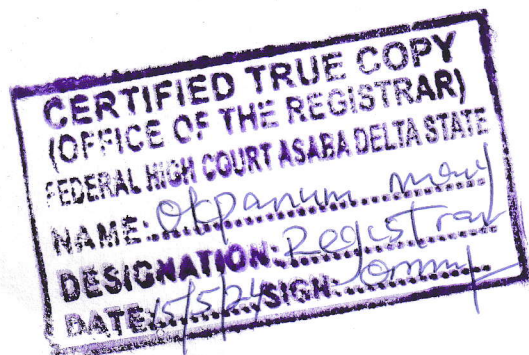
adduced evidence and to also impose the penalty agreed upon by the parties in the plea bargain agreement in line with Section 270 (4) of the Administration of Criminal Justice Act 2015.

CONVICTION

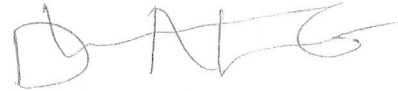
Having reviewed the evidence as well as taken into account the content of the plea agreement dated and filed on 03/07/19, as well as the guilty plea of the Defendant to the one count charge, I am convinced of the guilt of the Defendant and therefore convict him accordingly.

SENTENCE

I have studied the terms of the plea agreement and note that I am not satisfied with same in view of the ravaging effects of the offence the convict has been charged with, cybercrime fraud, and the negative impact it has created about the image of Nigeria as a den of fraudsters. I am of the view that a more deterrent punishment should be imposed. I therefore sentence the convict to 1 year imprisonment with effect from today being the 5th Day of July 2019 and the sum of N200,000.00 (Two Hundred Thousand Naira) fine.



I further order that Exhibits OU3 and OU4 be forfeited to the Federal Government of Nigeria.



NNAMDI O. DIMGBA
JUDGE

05/07/2019

Parties: Defendant in Court.

Appearances: **L.P. Aso Esq**, with **V.O. Agboje Esq, M.O Arumemi Esq, I. Ilodi Esq** for the Prosecution.

P.E. Ejiga Esq, with **C.O Erhabor Esq**,

P.I Onyibe Esq for the Defendant



RRR 2410-4667-4586

