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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/68C/19

BETWEEN:

FEDERAL REPUBLIC OF NIGERIACOMPLAINANT

AND

FELIX JOSHUA (ALIAS ARNOLD BAGGIO).... DEFENDANT

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 Felix Joshua (Alias Arnold Baggio) (Defendant), the Charge against the Defendant is dated and filed 03/07/2019 and alleges as follows:

That you Felix Joshua (Alias Arnold Baggio) sometimes between 2018 and June 2019 in Warri Delta State within the Jurisdiction of this Honourable Court did fraudulently impersonates the identity of one Arnold Baggio an American in your facebook account by sending documents to unsuspecting ladies through the

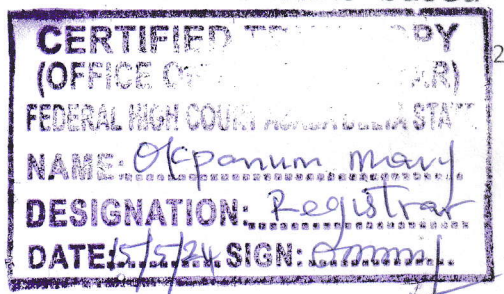


internet which documents you claim emanated from the said Arnold Baggio with intent to obtain money from the ladies, and you thereby committed an offence contrary to section 22(2) (b) (ii) of the Cybercrime (Prohibition Prevention) Act 2015 and punishable under section 22(2) (b) (iv) of the same Act.

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. Three (3) **Exhibits** were tendered through the PW1 as follows:

1. Statement of the Defendant, dated 28/06/2019 – admitted as **Exhibit FJ1**.
2. Document generated from social medial account - admitted as **Exhibit FJ2**.
3. 1Techno K7 phone, 1Techno Cannon, 1 Toshiba laptop and 1 MTN wireless device - admitted as **Exhibit FJ3a-d**.

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



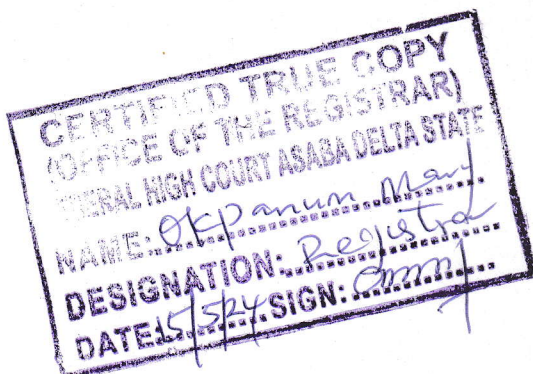
adduced evidence and to also impose the penalty agreed upon by the parties in the plea bargain agreement in line with Section 270 (4) of the Administration of Criminal Justice Act 2015.

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 have however taken into account the peculiar and compelling circumstances of the convict who is a final year student and thus moved to show compassion. I am therefore sentencing the convict to 7 months imprisonment with effect from 28/06/2019 being the date of arrest.



I further order that Exhibits FJ3 save the 1 Toshiba which should be returned to the convict, 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



CTC
RRR 2410-4667-4536