

**IN THE HIGH COURT OF JUSTICE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT HIGH COURT MAITAMA – ABUJA**

BEFORE: HIS LORDSHIP HON. JUSTICE S.U. BATURE

COURT CLERKS: JAMILA OMEKE & ORS

COURT NUMBER: HIGH COURT NO. 37

CASE NUMBER: SUIT NO. FCT/HC/CR/171/19

DATE: 19TH MARCH, 2019

BETWEEN:

AND

FEDERAL REPUBLIC OF NIGERIA.....PLAINTIFF

**OSAHON SCOTT
(A.K.A.) GEN SGT. MAJOR JOHN ROSSI.....DEFENDANT**

APPEARANCE

D. Adamu Ete with Rita Oga Esq. for the Prosecution.
Ochumba Ago Esq. For the defendant.

PLEA

COUNT 1

Defendant: I understand the charge just read out to me.

Defendant: I plead guilty to the charge

JUDGMENT

The defendant was arraigned by the Prosecution on one count charge to wit;

“That you Osahon Scott (A.K.A. General Sergeant Major John Rossi) sometimes in 2018 in Abuja within the Abuja Judicial Division of the Federal Capital Territory High Court did attempt to commit cheating by posing as United States General sergeant Major John Rossi in America Soldier deployed to Afghanistan on Peace Keeping Mission and fraudulently induced one Li sufung to deliver the Sum of (Twenty Thousand Yuon (Y20,000,00) that the money is payment for cost of non inspection of certificate a claim which you know to be false and thereby committed an offence contrary to Section 32 (a) of the penal code law Cap. 532 laws of the Federation (1990) Abuja and punishable under section 95 of the same Act”.

Upon arraignment the Defendant pleaded guilty based on the Plea Bargain agreement entered into by the parties.

COURT CONVICTION:

In view of the guilty plea entered into by the defendant based on the terms of the plea bargain agreement before the Court dated 4th March 2019 and signed by both parties, and also having been fully satisfied that the defendant is acting voluntarily in this plea agreement, he is hereby convicted for the offence of attempt to commit cheating contrary to section 320 (a) of the penal code law Cap. 532 laws of the Federation (1990) Abuja and punishable under section 95 of the same Act.

ALLOCUTUS

This is a plea bargain agreement executed by the convict and prosecution.

Convict is a young man who has shown remorse. He has a single mother and an ageing grandfather as well as the fact that he has enrolled in school and is instrumental in successfully pursuing this case given his health condition. We pray he does not go back to the crime again.

SENTENCING

In passing this Sentence, I have considered the plea of Allocutus made by Learned Counsel on behalf of the convict. Learned Counsel has pleaded with the Court to consider that the Convict has a single mother an ageing grandfather as well as the fact that he has years ahead of him and has also shown considerable remorse for his actions. Learned Counsel has also urged the Court in line with the plea bargain to consider that the Convict has been instrumental in successfully pursuing this case given his health condition, he has been consistent with his appointment dates and finally urged the Court to consider an option of fine in its sentencing of the convict, as per Paragraph 3 of the plea bargain agreement.

I have carefully considered the plea bargain agreement before this Court dated 4th day of March 2019 and filed on 7th day of March 2019 signed by both parties particularly Paragraph 3 thereof and the fact that the convict had admitted before this Court that he fully understands the terms of the plea agreement before the Court and that same was entered voluntarily without any coercion or inducement what so ever and

proceeded to plead guilty to the offence charged i.e. Attempt to Commit cheating contrary to section 320 (a) and punishable under section 95 of the penal code Act Cap 532 Laws of FCT (Abuja).

Therefore, I am inclined to temper justice with mercy in sentencing the convict.

Accordingly, for saving the time of this Court and upon consideration of the plea bargain agreement, I hereby sentence the convict to pay a fine of N50,000.00. In default of payment of the fine, the convict is to serve 1 year in Kuje prison.

The sentence is to commence from the date of his remand in prison custody which is 12th of March 2019.

Singed

Judge

19/03/2019

Prosecuting Counsel: We are very grateful for the erudite ruling and sentencing.

Defence Counsel: The defence cannot be any more grateful. We appreciate.

Signed

Judge

19/03/2019