

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GUDU - ABUJA
ON THURSDAY THE 24TH DAY OF JANUARY, 2019.
BEFORE HIS LORDSHIP ; HON. JUSTICE MODUPE OSHO-ADEBIYI
SUIT NO. CR/144/2019

FEDERAL REPUBLIC OF NIGERIA ----- COMPLAINANT

AND

PETER JAMES ----- DEFENDANT
PROCEEDINGS/JUDGMENT

Parties: Defendant is present.

Appearances: Best Ojukwu, for the prosecution. Adaji Abraham for the Defendant.

Prosecution Counsel: We apply that the charge be read to the Defendant and his plea taken accordingly.

Court: Charge is read to the Defendant in English Language, he understands same, and pleads guilty to the one Count Charge.

Prosecution Counsel: Defendant has pleaded guilty to the charge. We apply that the IPO be called to give brief facts of the case.

IPO: (PW1) affirms in English language.

My name is Kolawole Murokaila. I know the Defendant. Sometime in 2018, the head of the Advance Fee Fraud Section (EFF) of the EFCC received an intelligence report that some fraudsters residing in Kubwa in Abuja, specialized in defrauding unsuspecting innocent citizens of

Nigeria and abroad. A raid was conducted at the hideout situated at No. 4 Hakeem Close, Kubwa, where the accused and other members of his gang were arrested. Upon arrest, the accused was interviewed wherein he explained their modus operandi and confessed to same. He agreed to make a statement and he made a statement under caution in English language, which he wrote in his own handwriting. During the raid, we recovered electronic devices including computer and phone. Despite his confessional statements, we still carried out detailed investigation by forwarding the devices recovered during the raid to EFCC for examination and the forensic report revealed that the accused was posing to be in the U.S Army, posted to Afghanistan and in the course of his duty in Afghanistan he was shot in the leg and he was sending the picture of his "shot leg" to some foreigner in request for money. That is the brief fact of the case.

PW1 sights and identifies the written statements form of Defendant and prosecution counsel tenders same.

Defence Counsel: No objection

Court: Two sheets of written statements of Defendant dated 11/5/2018 and 15/02/2018 duly signed by Defendant are admitted in evidence and marked Exhibit PR1a and PR1b.

Prosecution Counsel tenders forensic analysis report, which PW1 sights, identifies and confirms.

Defence Counsel: No objection.

Court: EFCC forensic laboratory report dated 9/9/2018 is admitted in evidence and marked Exhibit PR2.

Prosecution Counsel: That is all for this witness.

Defence Counsel: No cross-examination.

Prosecution Counsel: No re-examination.

Prosecution Counsel: We apply that Defendant be convicted. We also got into a plea bargain agreement dated and filed 16/1/2019.

Court: Defendant is hereby found guilty as charged. Case adjourned to 31st January 2019 for sentencing.

Prosecution Counsel: Before my lord adjourns, Defendant is currently on bail and has not flouted his bail conditions.

Court: The Defendant is to continue with his bail, on the terms and conditions formerly granted.

Case adjourned to 31/1/2019 for sentencing.

SIGNED

HON. JUSTICE M. OSHO-ADEBIYI

**JUDGE
24TH JANUARY, 2019**

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GUDU - ABUJA
DELIVERED ON THURSDAY THE 31ST DAY OF JANUARY, 2019.
BEFORE HIS LORDSHIP ; HON. JUSTICE MODUPE OSHO-
ADEBIYI

SUIT NO. CR/144/2019

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PROCEEDINGS

Defence Counsel- The case is for sentencing but before then, we have an application. I would like the Defendant to say something before the Court passes judgment.

Defendant: I am actually sorry for what I did. I promise not to go into it again. I did not derive anything from it.

Prosecution Counsel: The investigation revealed that he did not benefit anything from it. That is why we charged him for “attempt to cheat”

Defence Counsel- Defendant spent 30 days in detention, he is a disc jockey and he is remorseful. He would not do it again.

SENTENCING

COURT: Based on the Plea Bargain Agreement entered into between the Prosecution and the Defendant, the Defendant pleaded guilty to the one count charge filed by the Prosecution. Defendant was accordingly, convicted by this Honourable Court on the 24th of January 2019. In sentencing the Defendant, I have considered the plea bargain duly signed by the Prosecution, Defendant's Counsel and the Defendant and worthy to note is that, Defendant has showed remorse for his actions. In line with the plea bargain agreement, willingly entered into by the Defendant, Defendant is hereby sentenced to three months imprisonment or an option of N100, 000.00 (One hundred thousand Naira) only, as fine. In addition, Defendant is to write an undertaking to be of good behaviour and a law-abiding citizen, attached with his full photograph and submit same to the Court.

SIGNED

HON. JUSTICE M. OSHO-ADEBIYI

JUDGE

31ST JANUARY, 2019