

**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/240/19

DATE: 8TH April, 2019

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA.....PLAINTIFF

UYIME OMORUYI.....DEFENDANT

APPEARANCE

Best Ojukwu Esq. Appearing with Aisha Ibarahim for the prosecution
Adaji Abel Esq. Appearing for the Convict.

PLEA

Defendant: Yes my Lord, I still stand by my earlier Response that I understand the terms of the plea bargain fully and that I have entered into it voluntarily

Court: Since the defendant has fully understood the terms of the plea bargain, I am satisfied that it was voluntarily made, I shall proceed to convict him accordingly on the amended charge.

JUDGMENT

The defendant was arraigned by the prosecution on one count charge to wit:

That you Uyime Omoruyi (AKA GEN. BARNET RIGGS EDWARD) sometimes in 2018 at Abuja within the judicial division of this Honourable Court, did attempt to cheat by posing as a united states Gen. Barnett Edward Riggs, an American soldier deployed to Afghanistan and fraudulently induced one Mary Cuter to deliver the sum of \$999 (Nine Hundred and ninety nine dollars) that the money is payment for clearance of a package with World Link Courier Service a claim which you knew was false and thereby committed an offence contrary to section 320 (a) of the Penal Code punishable under section 324 of Penal Code, laws of the Federation (Abuja) 1990.

Upon arraignment, the defendant pleaded guilty based on the plea bargain agreement entered into by the parties.

CONVICTION

The defendant/convict having pleaded guilty to the amended charge before the Court, shall be and is hereby convicted accordingly for the offence of attempt to commit cheating by personation contrary to section 324 of the Penal Code laws of the Federation (1990) Abuja and punishable under section 95 of the Same Act.

ALLOCUTUS

Counsel: We have a humble application. We seek to move same.

Court: You may proceed.

Counsel: I work with Osiaji & Co, we are engaged in prison decongestion my Lord. And our services are on pro bono services hinged on the circumstances of the case. Primarily on the issue of remorsefulness. We got the convict on bail sometimes in May, 2018. He was released on bail

on liberal terms hinged on his remorseful nature and the issue of plea bargain.

My Lord the convict being a changed man as at then resumed school. As I speak he is preparing for his final year exams on the 17th of this month. As a minister in the temple of justice, I am speaking the truth.

The convict has cooperated with the prosecution which has led to the arrest of unrepentant criminals.

My Lord he has not made any financial benefit either has he maintained any financial transaction. It was due to his remorseful nature that he travelled down for his arraignment and even wanted for court officials to come. The convict is a first time offender and he has never had any criminal record other than this.

You cannot claim you are changed for good when you are still denying. Hence, his plea of guilty. His plea has saved the court needless time to engage in needless litigation.

His plea has saved the state resources that could be used in prosecuting the matter.

The essence of punishment is to correct and not to destroy. We humbly plea that as a mother you temper justice with mercy, and give the convict the rare privilege to turn a new leaf in his life.

Prosecuting Counsel: very touching Allocutus. The only thing I can confirm is that the convict has not benefitted any financial reward for his acts. He has cooperated with investigations indeed that he is remorseful he has shown us. He has also helped the investigators to apprehend other similar offenders. We ask my Lord to exercise discretion judiciously.

SENTENCE

I have considered the very touching Allocutus made by the Learned Counsel to the convict. Never have I had the privilege of hearing such from a Counsel who has taken a matter pro-Bono. It is highly commendable I might say.

Learned Counsel has urged the Court to consider that the convict is remorseful for his actions, he is a changed man who has resumed school and is at the moment preparing for his exams coming up on the 17th of this month.

Counsel has also urged the Court to consider the fact that the convict has cooperated with prosecution and even helped in the investigations which has led to the arrest of unrepentant criminals.

Counsel has urged the Court to further put into consideration the fact that the convict has travelled down here for his arraignment, also the fact that he has pleaded guilty shows that he is a changed leaf. He informed the Court that the convict has not gained any financial benefit in the instance and the fact that he has saved the time of this Court as well as state resources when he pleaded guilty to the offence charged.

Counsel submitted that the purpose of punishment is to correct and not to destroy and urged the court to temper justice with mercy. And the fact that he's a first offender.

Indeed, the learned prosecuting Counsel has confirmed to the Court that the convict has not benefitted from any financial reward, has shown remorse and has cooperated with the investigation which has led to the arrest of other similar offenders.

Now having considered all that, I have also considered the fact that the offence of cheating by personation is a serious offence and quite prevalent nowadays. But, nevertheless, considering that the convict is back in school, has shown remorse for his actions and even cooperated

with investigations which has helped in apprehended similar offenders, I cannot do otherwise than to temper justice with mercy, as pleaded for by his Counsel on his behalf.

I have taken note of the plea bargain agreement dated 18th March 2019, and filed on the same 18th day of March 2019, and since same was made voluntarily by the convict and signed by both parties, the convict is hereby sentenced to pay a fine of N50,000.00. In default of payment of fine, the convict is to serve 1 year in Kuje Prison.

Hon. Justice Semirah Umar Bature

Judge

8/4/2019