

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GUDU - ABUJA
ON TUESDAY THE 30TH DAY OF APRIL, 2019.
BEFORE HIS LORDSHIP; HON. JUSTICE MODUPE OSHO-ADEBIYI
SUIT NO. CR/182/2019

FEDERAL REPUBLIC OF NIGERIA -----COMPLAINANT

AND

TRIUMPH CHIKWENDU MADUMERE
(ALIAS JAMES RAFAEL MILES) ----- DEFENDANT

JUDGMENT

By an amended charge filed on the 15th day of April, 2019 the Defendant was charged with a one count charge as follows:-

That you Triumph Chikwendu Madumere Alias James Rafael Mills sometime between 2018 and January, 2019, at Abuja within the jurisdiction of this Honourable Court, by deceiving while pretending to be one James Rafael Mills from South Carolina, USA through the means of whatsapp account with USA phone No. +14097512319 cheated by inducing Saily San from California, USA and one Berth from Australia to deliver to you the total sum of \$3,500.00 (Three Thousand Five Hundred Dollars) in the guise of being in a romantic relationship with them and that you thereby committed an offence contrary to Section 320(b) and

punishable under section 324 of the Penal Code Act, Laws of the Federation (Abuja), 1990.

At the arraignment, the Defendant pleaded guilty to the offence charged. The prosecuting counsel called a sole witness, the Investigating Police Officer as PW1 who gave a brief summary of the facts of the case that an intelligence report was received by the office of the Economic Crime Commission (EFCC) and upon the receipt on 7th February, 2019, a team of detectives moved to the area where the suspect amongst others were arrested and a search was conducted in the house and the premises. That the accused was moved to the office of EFCC and his statement recorded under caution and a search was conducted on his phone with his phone number and his whatsapp account was also checked and analysed in the presence of the accused. That some documents were printed from accused whatsapp account in his presence and he appended his signature on each page of the document. That from the investigation from his confessional statement he confessed to defrauding three of his clients. That after the investigation, there was a lady that he defrauded \$18, 000 and officials of the Commission initiated a conversation with her via email and she said the accused has refunded the \$18, 000 that he took from her.

The IPO tendered the following documents; Statement of Defendant dated 22nd February, 2019 admitted in evidence as Exhibit A; EFCC Certificate of identification comprising 42 Pages downloaded whatsapp messages and images admitted evidence - Exhibit B – B42; Copy of Sterling Bank Cheque dated 22nd February, 2019 for a sum of N1,200, 000.00 admitted as Exhibit C and Printed E-mail Conversion between Defendant and Leslie Ann Parker dated 12th April 2019 admitted as exhibit D.

The Defendant's Counsel rest his case on the prosecution's case. The Prosecuting Counsel informed the Court that parties have entered into a plea bargain agreement made pursuant to section 270 of the ACJA, signed by the Defendant and respective Counsel and filed on the 15th day of March, 2019.

In view of the plea of guilty by the Defendant, I therefore find the Defendant guilty of the offence charged. In sentencing the Defendant, I will take into account the plea bargain agreement signed by the parties. From the contents therein, the Defendant has agreed to forfeit and has paid the sum of N 1, 200,000.00 (One Million Two Hundred Thousand Naira) being proceeds of his crime and the under listed items used as instrumentalities of the crime to retribute his victims:

- a. Mac book Laptop
- b. Iphone 8 Smart Phone

- c. Iphone 5 smart phone
- d. Nokia phone
- e. Apple watch.

Having due consideration of the above and the fact that the Defendant has shown remorse and made attempt at restitution towards his victims, I will sentence the Defendant to One month imprisonment or an option of N500,000.00 as fine. In addition, Defendant is to write an undertaking to be of good behaviour and a law-abiding citizen and attach same with his full photograph and further undertake to not indulge in internet fraud as this activity is damaging the Country's image.

PARTIES: Defendant is present.

APPEARANCES: H. M. Mohammed, Esq., for the Prosecution. C. Ojiabo, Esq., for the Defendant.

HON. JUSTICE M. OSHO-ADEBIYI

**JUDGE
30TH APRIL, 2019**