

## SUMMARY OF JUDGMENT

### INTRODUCTION:

This appeal borders on the offences of conspiracy to commit a terrorist act and terrorism.

### FACTS:

Several persons were arraigned before and tried at the Federal High Court Jos, for conspiracy to commit terrorist acts punishable under Section 5 of the Criminal Code Act, Cap C38, LFN 2004; illegal possession of firearms punishable under Section 5 of the same Criminal Code Act, and the commission of terrorist acts punishable under Section 15(2) of the Economic and Financial Crimes Commission (Establishment) Act, 2004. The alleged criminal acts were committed on or about the 8th day of March, 2008 in and around Jos and its environs, including Mangu Local Government Area of Plateau State. The appellant featured in the first and third charges, which respectively accused him and others of conspiracy to commit terrorist acts and committing terrorist acts. In these two charges he was the 7th and 9th Accused in the 1st and 3rd charges respectively. All the accused persons, including the appellant herein, were convicted for the two offences alleged in the 1st and 3rd charges. They were each sentenced to 2 years and 10 years imprisonment for committing the said offences of criminal conspiracy to commit terrorist acts and the commission of terrorist acts respectively.

The appellant appealed his conviction and sentence to the Court of Appeal sitting at Jos. He was unsuccessful. The said Lower Court dismissed his appeal and affirmed the conviction and sentences imposed on him by the trial Federal High Court. Further aggrieved, the Appellant appealed to the Supreme Court.

### ISSUES:

The Supreme Court adopted the following issues for the determination of the appeal thus:

"1. Whether the learned Justices of the Court of Appeal were not in error when they affirmed the decision of the trial Court that the prosecution had proved the 3 offences with which the appellant was charged beyond reasonable doubt.  
2. Whether the learned Justices of the Court of Appeal do not have a duty, ex debito justitiae, to evaluate the evidence led by the appellant fully by way of re-hearing where the trial Court had failed to do so".

#### DECISION/HELD:

On the whole, the Supreme Court held that the appeal lacked merit and it was dismissed. The decision of the Court of Appeal, Jos in the appeal No.CA/J/183C/2011 delivered on 27th March, 2013 dismissing the appeal of the appellant and affirming the decision of the Federal High Court in the case No.FHC/MG/CS/34c/2010, was hereby affirmed.