



CRIMINAL COURT

Hon. Madame Justice Dr. Edwina Grima LL.D.

Bill of Indictment 4/2015

The Republic of Malta

Vs

Kingsley Wilcox

Today the 8th April, 2017,

The Court,

Having seen the bill of indictment numbered 4 of the year 2015 brought against the accused Kingsley Wilcox, holder of Maltese Identity Card number 34954(A), whereby in the First Count, the Attorney General proffered:

That on the second (2) October of the year two thousand and twelve (2012) at approximately ten o'clock in the morning (10:00am), Drug Squad police were informed by customs officials at the Malta International Airport that a Nigerian national had been stopped at the airport in Malta after his arrival on flight FR7798 from Valencia, Spain on suspicion that he may have been carrying drugs. Although material drugs were not actually found on his person or in his possession, it transpired after the content of his mobile phone was analysed by the police, that instructions had been given to a third person to seek accommodation in Tropicana Hotel in Paceville, Malta. This communication was suspicious to the drug Squad personnel in that it indicated that third persons may be involved in a drug related illicit activity.

That pursuant to this information the drug squad police were instructed by their superiors to inspect the Tropicana Hotel above mentioned in order to establish whether there had been any walk-ins seeking lodging there. In fact it transpired that a Spanish national by the name of Jose Manuel Domingo Benito, who had also just

landed in Malta from Valencia, had sought accommodation in that hotel, specifically in room 630 thereof. When the police entered this room as duly authorised by law, they met with the said Jose Manuel Domingo Benito and after a thorough search was executed in his room a luggage was found containing two sealed packages suspected of containing a considerable amount of cocaine as well as traces of cannabis grass on the desk in the same room. In view of these circumstances Benito was arrested on the spot and prosecution against him has been instituted in separate proceedings.

That it transpired from further investigations that the drugs in the possession of Jose Manuel Domingo Benito were intended for a third person in Malta for the purpose of onward trafficking. In fact the police discovered that other individuals were involved in this deal and from the information collected in the course of the arrests conducted, the police proceeded to arrest Kingsley Wilcox indicated as the accused in these proceedings.

That hence it resulted that on the second (2) of October of the year two thousand and twelve (2012) and in the preceding months, the accused Kingsley Wilcox decided to start trafficking illegally in Cocaine. The accused had knowingly conspired with other persons outside and in Malta to receive the cocaine which was duly imported by Jose Manuel Domingo Benito who also knowingly formed part of this conspiracy with the intention to pass on the same illegal substance to other individuals in Malta for the purpose of onward trafficking thereof. In effect it transpired that pursuant to this pre-established plan of action, on the day of his arrest Kingsley Wilcox was intent on meeting Benito in order to collect the cocaine found in Benito's possession in exchange for a considerable sum of money and subsequently Wilcox together with another individual who is being tried separately from these proceedings, had made arrangements to meet with other persons in Malta with the intention to transfer the drugs to them for the purpose of trafficking. Effectively the Maltese nationals involved have also been arraigned in Court in separate proceedings so as to answer to charges in connection with these circumstances. All along the accused was fully participant and aware of the dealings being carried out as well as the illicit purpose there for.

That fortunately the accused Wilcox was arrested by the police on the second (2) October 2012, which thus prevented the accused and his co-conspirators from effectively trafficking the illicit substance cocaine in our country as had been their plan all along. Following the necessary analysis carried out by forensic experts of the contents of the packets found in the possession of Jose Manuel Domingo Benito which were intended to pass onto the accused for the purpose abovementioned, it transpired that these consisted of cocaine in the aggregate amount of one thousand and eighty five point two grams (1085.2 grams) and hence approximately one kilo, having a purity level of thirty six point eight per cent (36.8%). Cocaine is considered

as a dangerous and illegal drug in our legal system and the amount found carried the street value of eighty six thousand eight hundred and twenty four Euro (€86,824).

By committing the abovementioned acts with criminal intent, Kingsley Wilcox rendered himself guilty of conspiracy to trafficking in dangerous drugs (cocaine) in breach of the provisions of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta).

Wherefore, the Attorney General, in his capacity, accuses Kingsley Wilcox of having on the second (2) October of the year two thousand and twelve (2012) and in the months prior to that date, of rendering himself guilty of conspiracy to traffic in dangerous drugs in breach of the provisions of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta) or of promoting, constituting, organising or financing the conspiracy; demands that the accused be proceeded against according to law, and that he is sentenced to the punishment of imprisonment for life and to fine of not less than two thousand three hundred and thirty Euro (€2330) and not more than one hundred sixteen thousand and five hundred Euro (€116,500) and to the forfeiture in favour of the Government of Malta of the entire immovable and movable property in which the offence took place as described in the bill of indictment, as is stipulated and laid down in sections 9, 10(1), 12, 14, 15(A), 20, 22(1)(a)(f)(1A) (1B)(2)(a)(i)(3A)(a)(b)(c)(d), 22A and 26 of the Dangerous Drugs Ordinance and regulation 4 and 9 of the 1939 Regulations for the Internal Control of Dangerous Drugs (Legal Notice 292/39), and in sections 23 and 533 of the Criminal Code or to any other punishment applicable according to law to the declaration of guilty of the accused.

In the second Count, the Attorney General proffered:

That owing to the nature of the circumstances which took place on the second (2) October of the year two thousand and twelve (2012) and during the days and months preceding that date, as indicated in the first Count of this Bill of Indictment it transpired that the accused wilfully partook in the conspiracy involving the importation of the aforementioned drug (cocaine) with the intention to distribute and hence pass on the same illegal substance to other persons whilst being fully aware that the said drug would be further trafficked against the law. In fact the accused himself gave details to the authorities about the arrangements which had been made and which he was fully aware of and complacent to at the stage prior to his arrest and prosecution as well as that of all those likewise involved in this racket.

Cocaine is a dangerous drug specified and controlled under the provisions of Part I, First Schedule, of the Dangerous Drugs Ordinance. Kingsley Wilcox was not in

possession of any valid and subsisting procurement, manufacture, exportation or importation authorisation of such illegal substance, duly granted in pursuance of the said law.

By committing the abovementioned acts with criminal intent, the accused Kingsley Wilcox rendered himself guilty of having on the second (2) October of the year two thousand and twelve (2012) and during the days and months preceding that date sold or otherwise dealt in an illegal substance (cocaine), without a license by the Minister responsible for Health or without being authorised by these Rules or by authority granted by the Minister responsible for Health to supply the drug mentioned (cocaine), or without being in possession of an import or export authorisation issued by the Chief Government Medical Officer in pursuance of the provisions of Part IV and Part VI of the Ordinance, and without being licensed or otherwise authorised to manufacture the drug or without a license to procure the same.

Wherefore, the Attorney General, in his capacity, accuses Kingsley Wilcox of having on the second (2) October of the year two thousand and twelve (2012) and during the days and months preceding that date sold or otherwise dealt in an illegal substance (cocaine), without a license by the Minister responsible for Health or without being authorised by these Rules or by authority granted by the Minister responsible for Health to supply the drug mentioned (cocaine), or without being in possession of an import or export authorisation issued by the Chief Government Medical Officer in pursuance of the provisions of Part IV and Part VI of the Ordinance, and without being licensed or otherwise authorised to manufacture the drug or without a license to procure the same; demands that the accused be proceeded against according to law, and that he be sentenced to the punishment of imprisonment for life and to fine of not less than two thousand three hundred and thirty Euro (€2330) and not more than one hundred sixteen thousand and five hundred Euro (€116,500) and to the forfeiture in favour of the Government of Malta of the entire immovable and movable property in which the offence took place as described in the bill of indictment, as is stipulated and laid down in sections 9, 10(1), 12, 14, 15(A), 20, 22(1)(a)(2)(a)(i)(1B)(3A)(a)(b)(c)(d), 22A and 26 of the Dangerous Drugs Ordinance and regulation 4 of the 1939 Regulations for the Internal control of Dangerous Drugs (Legal Notice 292/39), and in sections 23 and 533 of the Criminal Code or to any other punishment applicable according to law to the declaration of guilty of the accused.

Having seen the verdict of today the 8th April, 2017, whereby the jury for:

The First Count

By eight (8) counts in favour and one (1) against found the accused guilty of the charges brought against Kingsley Wilcox in the first count of the bill of indictment.

The Second Count

By eight (8) counts in favour and one (1) against found finds the accused guilty of the charges brought against Kingsley Wilcox in the second count of the bill of indictment.

Therefore in view of this verdict, the Court, declares Kingsley Wilcox, guilty:

1. Of having on the second (2) October of the year two thousand and twelve (2012) and in the months prior to that date, rendered himself guilty of conspiracy to traffic in dangerous drugs in breach of the provisions of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta) or of promoting, constituting, organising or financing the conspiracy;
2. Of having on the second (2) October of the year two thousand and twelve (2012) and during the days and months preceding that date sold or otherwise dealt in an illegal substance (cocaine), without a license by the Minister responsible for Health or without being authorised by these Rules or by authority granted by the Minister responsible for Health to supply the drug mentioned (cocaine), or without being in possession of an import or export authorisation issued by the Chief Government Medical Officer in pursuance of the provisions of Part IV and Part VI of the Ordinance, and without being licensed or otherwise authorised to manufacture the drug or without a license to procure the same;

Having seen the acts of the proceedings, including the compilation of evidence tendered in front of the Court of Magistrates.

Having seen the updated conduct sheet.

Having seen sections 9, 10(1), 12, 14, 15(A), 20, 22(1)(a)(f) (2)(a)(i)(1A) (1B)(2)(a)(i)(3A)(a)(b)(c)(d), 22A and 26 of the Dangerous Drugs Ordinance and regulation 4 and 9 of the 1939 Regulations for the Internal Control of Dangerous Drugs (Legal Notice 292/39), and in sections 23 and 533 of the Criminal Code.

Considers,

That the verdict reached by the jurors is nearly a unanimous one pointing towards the guilt of the accused. The Court therefore cannot inflict a term of imprisonment in

its minimum but has to be one which is in line with the decision delivered by the panel of jurors appointed in this case. Also the Court will take into consideration the amount of drugs involved in this case and the involvement of accused in this drug trafficking organization.

Consequently in view of these considerations the Court condemns the said Kingsley Wilcox to a term of imprisonment of fifteen (15) years, and to the payment of a fine (multa) of thirty thousand euro (€30000) which fine (multa) shall be converted into one year of imprisonment according to Law, in default of payment;

Furthermore condemns him to pay the sum of three thousand, two hundred and twenty six Euros and thirty seven cents (€3226.37) being the sum total of the expenses incurred in the appointment of court experts in this case in terms of Section 533 of Chapter 9 of the Laws of Malta, within fifteen (15) days from today ;

Furthermore, orders the forfeiture in favour of the Government of Malta of all the property involved in the said crimes of which he has been found guilty and other moveable and immovable property belonging to the said Kingsley Wilcox.

And finally in view of the fact that there are other pending cases concerning third parties that are connected to this case, this Court is not ordering the destruction of the objects exhibited in Court.

(ft) Edwina Grima

Imhallet

True Copy

Franklin Calleja

Deputy Registrar