



Criminal Court

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

Bill of Indictment Nr. 1/2017

The Republic of Malta

Vs

Ikechukwu Stephen Egbo

Today the 22nd July, 2017,

The Court,

Having seen the first (1) bill of indictment of the year two thousand and seventeen (2017) brought against the accused, Ikechukwu Stephen Egbo, holder of Italian Identity Card Nr. A01508093, where in the Attorney General in the first and only count proffered:

That on the twenty seventh (27) day of November of the year two thousand and ten (2010) and during the preceding months, the accused **IKECHUKWU STEPHEN EGBO** (hereinafter referred to as the "accused") decided to start dealing, offering, supplying and importing drugs illegally into the Maltese Islands in agreement with others.

In fact on the dates abovementioned, the accused **IKECHUKWU STEPHEN EGBO** conspired and agreed with another person or persons to illegally deal in, import and receive from the Netherlands to the Maltese Islands a quantity of the drug cocaine.

An agreement was reached in relation to the mode of action as to how this drug consignment was to reach Malta and eventually how it was to be dealt with in Malta following its arrival. This drug consignment was to be exported from the Netherlands and imported into Malta by a man, Attila Somlyai, who was to travel from Dusseldorf to Malta

by air, and once in Malta Somlyai had to meet the accused and deliver to him the drug consignment.

In execution of the said plan, on the twenty sixth (26) day of the month of November of the year two thousand and ten (2010) Somlyai boarded the Air Malta flight KM 353 leaving from Dusseldorf, Germany destination Malta, carrying inside his body a total of sixty (60) capsules filled with the drug cocaine in order to eventually deliver the said drug to the accused. However, the Malta Customs Officials and the Malta Police Force managed to intervene in due time before this amount of drug cocaine reached its intended final destination in the Maltese Islands to the respective consignee.

The Customs Officials and the Police apprehended Somlyai following his arrival in Malta at the Malta International Airport. After that he was conducted to Mater Dei Hospital, it transpired that Somlyai had ingested sixty (60) capsules containing five hundred eighty two point forty six (582.46) grams of the drug cocaine with a purity of circa 38% as determined later by the Court appointed expert. The street value of this drug as determined by the same expert is that of forty four thousand two hundred and sixty six euro and ninety six euro cents (€ 44,266.96).

Somlyai decided to cooperate with the Police and informed them that he was sent to Malta by another person in this conspiracy referred to as the "chief", in order to carry this drug consignment. Somlyai also stated that he was given instructions to book a room at the Roma Hotel in Sliema and wait for further instructions in relation to the delivery of the drug consignment. Somlyai agreed to collaborate with the Police and he agreed to take part in a controlled drug delivery, which eventually led to the arrest of the accused. In fact, on the twenty seventh (27) day of the month of November of the year two thousand and ten (2010), the accused **IKECHUKWU STEPHEN EGBO** was apprehended by the police when he went to collect the drug consignment. When the accused realised that there were Police officers he tried to escape, only to be apprehended by the Police some distance away.

Somlyai also recognized the accused **IKECHUKWU STEPHEN EGBO** as the same person who had collected another drug consignment from the same hotel in October two thousand and ten (2010), when he had brought to Malta twenty four (24) cocaine filled capsules upon instructions received from the same person referred to as the "chief".

The drug cocaine is scheduled as per Part 1 of the First Schedule of the Dangerous Drugs Ordinance;

By committing the abovementioned acts with criminal intent, the accused **IKECHUKWU STEPHEN EGBO** rendered himself guilty of conspiracy to deal 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 the name of the Republic of Malta, on the basis of the facts and circumstances narrated above, accuses **IKECHUKWU STEPHEN EGBO** of being

guilty of having, on the twenty seventh (27) day of November of the year two thousand and ten (2010) and during the preceding months, with criminal intent, with another one or more persons in Malta, or outside Malta, conspired for the purpose of selling or dealing in a drug (cocaine) in the Maltese Islands against the provisions of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta) or by promoting, constituting, organizing or financing such conspiracy, and demands that the accused be proceeded against according to law, and that he be sentenced to the punishment of imprisonment for life and to a fine of not less than two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) but not exceeding one hundred and sixteen thousand four hundred and sixty-eight euro and sixty-seven cents (€116,468.67) and the forfeiture in favour of the Government of Malta of the entire immovable and movable property of the accused, as is stipulated and laid down in articles 2, 9, 10(1), 12, 22(1)(a)(f)(1A)(1B)(2)(a)(i)(3A)(a)(b)(c)(d)(7), 22A, 24A, and 26 of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta and of articles 17, 23, 23A, 23B, 23C and 533 of the Criminal Code, Chapter 9 of the Laws of Malta or to any other punishment applicable according to law to the declaration of guilt of the accused.

Having seen the verdict of today the 22nd July, 2017, whereby the jury for:

The First and only Count:

By seven (7) counts in favour and two (2) against found the accused guilty of the charges brought against Ikechukwu Stephen Egbo in the first count of the bill of indictment.

Therefore in view of this verdict, the Court, declares Ikechukwu Stephen Egbo, guilty:

1. Of having, on the twenty seventh (27) day of November of the year two thousand and ten (2010) and during the preceding months, with criminal intent, with another one or more persons in Malta, or outside Malta, conspired for the purpose of selling or dealing in a drug (cocaine) in the Maltese Islands against the provisions of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta) or by promoting, constituting, organizing or financing such conspiracy.

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 2, 9, 10(1), 12, 22(1)(a)(f)(1A)(1B)(2)(a)(i)(3A)(a)(b)(c)(d)(7), 22A, 24A, and 26 of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta and of articles 17, 23, 23A, 23B, 23C and 533 of the Criminal Code, Chapter 9 of the Laws of Malta.

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. The Court cannot ignore the fact that the accused had successfully together with others managed to deal in drugs in October 2010 and then conspired to repeat the offence once again in November 2010. Had the operations of the organisation in which the accused was involved not been intercepted by the police the accused would have possibly continued to form part of this drug trafficking ring importing and trafficking drugs in Malta.

Consequently in view of these considerations the Court condemns the said Ikechukwu Stephen Egbo to a term of imprisonment of thirteen (13) years, and to the payment of a fine (multa) of thirty thousand euro (€30,000) 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 two thousand, eight hundred and fourteen Euros and nineteen cents (€2,814.19) 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 Ikechukwu Stephen Egbo.

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

VERA KOPJA

Franklin Calleja

Deputat Registratur