



**MALTA**

**COURT OF MAGISTRATES (MALTA)  
AS A COURT OF CRIMINAL JUDICATURE**

**MAGISTRATE DR IAN FARRUGIA LL.D**

**Today the 29<sup>th</sup> day of November 2017**

**THE POLICE  
(Assistant Commissioner Ian Abdilla)**

**Vs**

**MORGAN EHI EGBOMON**

**THE COURT;**

Having seen the charges brought against **Morgan Ehi Egbomon**, holder of Nigerian Passport bearing number A1170950, issued on the 2<sup>nd</sup> November 2001, accused with having on the night between the 6<sup>th</sup> and 7<sup>th</sup> June 2007, at the Malta International Airport, Gudja, while about to leave Malta on flight KM784;

1. Committed an act of money laundering by:
  - a) Converting or transferring property knowing that such property is derived directly or indirectly from, or the proceeds of criminal activity, or from an act or acts of participation in criminal activity, for the purpose of or purposes of concealing or disguising the origin of the property or of assisting any person or persons involved or concerned in criminal activity;

- b) Concealing or disguising the true nature, source location, disposition, movement, rights with respect of, in or over, or ownership of property, knowing that such property is derived directly or indirectly from criminal activity or from an act or acts of participation in criminal activity;
- c) Acquiring property, knowing that the same was derived or originated directly or indirectly, from criminal activity or from an act or acts of participation in criminal activity;
- d) Retaining, without reasonable excuse, of property, knowing that the same was derived or originating directly, or indirectly from criminal activity, or from an act or acts or participation in criminal activity;
- e) Attempting any of the matters or activities defines in the above foregoing sub-paragraphs (i), (ii), (iii) and (iv) within the meaning of Article 41 of the Criminal Code;
- f) Acting as an accomplice within the meaning of Article 42 of the Criminal Code in respect of any of the matters or activities defined in the above foregoing sub-paragraphs (i), (ii), (iii), (iv) and (v) within the meaning of Article 41 of the Criminal Code; (this in breach of section 3 of Chapter 373 of the Laws of Malta);

In proceedings for an offence of money laundering under this Act the provisions of Article 22(1C) (b) of the Dangerous Drugs Ordinance shall *mutatis mutandis* apply.

- 2. For having, failed to declare that he was carrying more than LM5,000 or equivalent, in cash to the Comptroller of Customs. (this in breach of Legal Notice 463 of 2004, Reporting of Cash Movements Regulations, 2004);

The Court is hereby kindly requested to apply *mutatis mutandis* the provisions of Article 5 of the Money Laundering Act, Chapter 373 of the Laws of Malta, as per Section 23A (2) of Chapter 9 of the Laws of Malta;

The Court is also hereby kindly requested that in case of a finding of guilt of the accused, apart from inflicting the punishment prescribed at Law, also orders the forfeiture of all the objects exhibited in these proceedings.

The Court is also hereby kindly requested that in pronouncing judgment or in any subsequent order, sentence the person/s convicted, jointly or severally, to the payment, wholly or in part to the Registrar, of the costs incurred in connection with the employment in the proceedings of any expert or referee, within such period and in such amount as shall be determined in the judgment or order, as per Section 533 of Chapter 9 of the Laws of Malta.

Having seen the order, in terms of Article 10(2) of Chapter 233 of the Laws of Malta, dated 8<sup>th</sup> June 2007 issued by the Attorney General giving his consent for proceedings to be taken before the Court of Magistrates (Malta) as a Court of Criminal Judicature;

Having seen the Bill of Indictment number 16/2009 filed on the 13<sup>th</sup> day of April 2009 in terms of which the Attorney General accused Mr. Egbomon before the Criminal Court;

Having seen the counter-order dated 20<sup>th</sup> of April 2016 filed by the Attorney General, by virtue of Article 3(2A)(b)(c) of Chapter 373 (*Prevention of Money Laundering Act*) of the Laws of Malta, ordering that Morgan Ehi Egbomon be brought before the Court of Magistrates (Malta) as a Court of Criminal Judicature and to have his case decided upon by the said Court;

Having seen the official assignment of this case to this Court by means of an order dated 5<sup>th</sup> May 2016;

Having seen and examined all the documents exhibited in the acts of these proceedings, including the testimonies of witnesses produced;

Having heard accused plead guilty to all charges brought against him during today's sitting and his insistence on such guilty plea after being given time according to law to reconsider;

Having seen the note filed by the accused on the 13<sup>th</sup> November 2017;

Having heard final submissions by the prosecution and the defence with regards to punishment;

**Considers;**

That in view of the accused's guilty plea to all charges proffered against him, and since there is no reason emanating from these proceedings why this Court should not accept such plea, it is the duty of this Court to proceed with judgement and declare the accused guilty as charged.

**Considers;**

That, in summary, the facts that characterised these proceedings are the following.

On the night of the 6<sup>th</sup> and the 7<sup>th</sup> of June 2004, customs inspectors at the departure lounge of the Malta International Airport discovered that accused Morgan Ehi Egbomon, who was bound to travel on Airmalta flight KM784 to Istanbul, had excess cash in his possession. Mr. Egbomon was apprehended, arrested and investigated after being handed over to the police.

Indepth searches into what was in Mr. Egbomon's possession yielded the following items, among others :

Euros 38,260

Hungarian money 4,500

French currency 20,000

American (US) dollars 144,300

One white medal pendant

Coloured stones – 2 green, 1 purple, 1 orange and 2 pink (of very very minimal value)

One white metal wrist watch Marc Ecko (approximate value LM69)

Mobile phones – 2 nokia, 1 motorola, 1 samsung

Black and yellow colour bracelet

Nigerian passport A1864607, Hungarian passport ZF432385

Spanish resident card

14 Sim cards

Most of the monies found were wrapped in bundles by black plastic. According to Mr. Egbomon, these monies, given to him by his uncle in Nigeria, were destined for a business deal which however did not materialise. And therefore he was taking them back out of Malta. These monies were not declared, either upon entry into Malta five days earlier, neither upon departure on the night in question.

Mr. Egbomon never presented any documentation or reasonable explanation as to the lawful origin of such monies. In terms of Law, Mr. Egbomon did not manage to prove, on a balance of probabilities, that the monies found in his possession were derived from lawful origins.

From the report exhibited by Dr. Patrick Valentino as document PV, following his appointment by this Court, it transpired that Mr. Egbomon has no assets here in Malta of whatever nature – excluding obviously all the items seized from his possession and duly exhibited in court.

The Court notes that Mr. Egbomon's guilty plea is perfectly in line with the evidence produced in this case.

Consequently, in view of the resulting facts, Morgan Ehi Egbomon rendered himself guilty of carrying out acts of money laundering in terms of the charges proffered against him, and that Mr. Egbomon rendered himself guilty of the offence of being a person entering or leaving Malta and who was carrying more than five thousand Malta Liri (equivalent to €11,646.86) and who failed to declare to the Comptroller of Customs that he was carrying more than the amount allowed by law as aforesaid.

### **Considers;**

Within the context of punishment the Court observes that in view of the findings in report marked as Document PV (afore mentioned), there is no scope at Law for a declaration in terms of Article 3(5) of Chapter 373 of the Laws of Malta.

## **Conclusion;**

THEREFORE, THE COURT, having seen Articles 17, 20, 22, 23, 23A, 23B, 31, 41, 42 and 533 of Chapter 9 the Laws of Malta, Articles 2, 3, 3(1), 3(2A)(a)(i), 3(3), 3(5)(a), 4A, 5, and 6 of Chapter 373 of the Laws of Malta, Article 22(1C)(b) of Chapter 101 of the Laws of Malta, Articles 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of Chapter 233 of the Laws of Malta and Regulations 2, 3 and 4 of Legal Notice 463 of 2004, and Articles 2 and 12 of the Interpretation Act, **finds and declares Morgan Ehi Egbomon guilty of all charges pofferred against him and consequently condemns Morgan Ehi Egbomon to imprisonment for a term of three (3) years and to the payment of a fine in the sum of five thousand euros (€5,000).**

Orders the forfeiture in favour of the Government of Malta of all the items seized from the possession of Mr. Egbomon and exhibited in these proceedings, including all monies seized.

Futhermore, in terms of Article 533 of Chapter 9 of the Laws of Malta, offender Morgan Ehi Egbomon is ordered to pay to the Registrar, all costs incurred in connection with the employment in these proceedings of all experts or referees.

The Court orders that a copy of this judgement be communicated to the Registrar of Courts.

Dr Ian Farrugia LL.D  
Magistrate

Marica Mifsud  
Deputy Registrar