



The Republic of Malta

Criminal Court

Hon. Justice Dr. Antonio Mizzi LL.D.

Admission Nr: 6/2017

The Republic of Malta

Vs

Thomas Uchenna Onyema

Today the 21st February, 2018,

The Court,

Having seen the charges brought against Thomas Uchenna Onyema holder of Nigerian Passport number A04552326, accused in front of the Court of Magistrates (Malta) of having:

On the 2nd May and the months before this date on the Maltese islands;

- a. together with another one or more persons in Malta or outside Malta, conspired, promoted, constituted, organised or financed the conspiracy with other person/s to import, sell or deal in drugs (cocaine), in these islands, against the provisions of The Dangerous Drugs Ordinance, Chapter 101 of the

Laws of Malta, or promoted, constituted, organised or financed the conspiracy;

b. imported, or caused to be imported, or took any steps preparatory to import any dangerous drug (cocaine) into Malta in breach of section 15 A of Chapter 101 of the Laws of Malta;

c. had in his possession the drugs (cocaine) specified in the First Schedule of the Dangerous Drug Ordinance, Chapter 101 of the Laws of Malta, when they were not in possession of an import or an export authorisation issued by the Chief Government Medical Officer in pursuance of the provisions of paragraphs 4 and 6 of the Ordinance, and when they were not licensed or otherwise authorised to manufacture or supply the mentioned drugs, and was not otherwise licensed by the President of Malta or authorised by the Internal Control of Dangerous Drugs Regulations (G.N.292/1939) to be in possession of the mentioned drugs, and failed to prove that the mentioned drugs was supplied to them for their personal use, according to a medical prescription as provided in the said regulations, and this in breach of the 1939 Regulations of the Internal Control of Dangerous Drugs (G.N.292/1939) as subsequently amended by the Dangerous Drugs Ordinance Chapter 101, of the Laws of Malta which drug was found under circumstances denoting that it was not intended for his personal use.

The Court is humbly requested to attach in the hands of third parties in general all moneys and other movable property due or pertaining or belonging to the accused, and further to prohibit the accused from transferring, pledging, hypothecating or otherwise disposing of any movable or immovable property in terms of article 22 A of the Dangerous Drugs Ordinance Chap 101 of the Laws of Malta, of Article 5 (1) (a) (b) of the Prevention of Money Laundering Act Chapter 373 as well as to issue orders as provided for in articles 5 (1) and 5 (2) of the same Act and of Article 23 A of the Criminal Code Chapter 9 of the Laws of Malta.

The Court is also requested to apply Section 533 (1) of Chapter 9 of the Laws of Malta, as regards to the expenses incurred by the Court appointed Experts.

Thus whilst exhibiting the A.G.'s Order, the Nigerian Passport and Conduct Certificate of Thomas Uchenna Onyema, it is humbly being requested that this case be investigated according to Law.

Having seen the minutes of the proceedings held in front of the Court of Magistrates of the 4th May, 2017, whereby the accused admitted all charges brought against him and confirmed such guilty plea even after that Court solemnly warned him of the legal consequences of the said admission and allowed him a period of time for him to consider hiis decision.

Having seen the note of the Attorney General of the 27th November, 2017, whereby it was declared that:

That, the applicants declare that during the court sitting held in front of the Court of Magistrates (Malta) as a Court of Criminal Inquiry, of the fourth (4th) of May of the year two thousand and seventeen (2017), the accused Thomas Uchenna Onyema declared that he was guilty of all the charges brought against him, and this in terms of Article 392B(1) of the Criminal Code;

That, by means of a note filed on the twelfth (12th) of May of the year two thousand and seventeen (2017), in terms of Article 392B(2) of the Criminal Code, the Attorney General declared that the charges brought against Thomas Uchenna Onyema before the Court of Magistrates (Malta) as a Court of Criminal Inquiry, in regard to which charges the same accused filed a guilty plea, should be considered as a bill of indictment for all intents and purposes at law;

That, taking into account such guilty plea, the applicants declare that they are agreeing that the punishment that should be inflicted by this Honourable Court upon the accused Thomas Uchenna Onyema, should be that of **ten (10) years imprisonment and a fine (multa) of twenty five thousand Euros (€25,000)**, and this together with the other consequences and sanctions that are mandatorily prescribed

by law upon conviction in terms of the provisions of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta), as well as the Criminal Code (Chapter 9 of the Laws of Malta), including the confiscation of any monies and other moveable and immoveable property belonging or owed to the accused in accordance to law.

That finally the parties declare that in their deliberations regarding the punishment to be meted out to the accused, which punishment is hereby being suggested to this Honourable Court, due regard was given to the accused's early guilty plea, and his co-operation with the investigator.

Having seen the decree of this Court of the 15th May, 2017.

Considers,

That in view of the declaration of guilt filed by the accused before the Court of Magistrates in the 4th May 2017, which admission of guilt was reaffirmed by him after having been given due time according to law to re-consider the same.

Having seen the acts of the proceedings both in front of the Court of Magistrates and those in front of this Court.

Declares the accused Thomas Uchenna Onyema guilty of having:

On the 2nd May and the months before this date on the Maltese islands;

a. Together with another one or more persons in Malta or outside Malta, conspired, promoted, constituted, organised or financed the conspiracy with other person/s to import, sell or deal in drugs (cocaine), in these islands, against the provisions of The Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, or promoted, constituted, organised or financed the conspiracy;

b. Imported, or caused to be imported, or took any steps preparatory to import any dangerous drug (cocaine) into Malta in breach of section 15 A of Chapter 101 of the Laws of Malta;

c. Had in his possession the drugs (cocaine) specified in the First Schedule of the Dangerous Drug Ordinance, Chapter 101 of the Laws of Malta, when they were not in possession of an import or an export authorisation issued by the Chief Government Medical Officer in pursuance of the provisions of paragraphs 4 and 6 of the Ordinance, and when they were not licensed or otherwise authorised to manufacture or supply the mentioned drugs, and was not otherwise licensed by the President of Malta or authorised by the Internal Control of Dangerous Drugs Regulations (G.N.292/1939) to be in possession of the mentioned drugs, and failed to prove that the mentioned drugs was supplied to them for their personal use, according to a medical prescription as provided in the said regulations, and this in breach of the 1939 Regulations of the Internal Control of Dangerous Drugs (G.N.292/1939) as subsequently amended by the Dangerous Drugs Ordinance Chapter 101, of the Laws of Malta which drug was found under circumstances denoting that it was not intended for his personal use.

Having heard the oral submissions of the defence and the prosecution.

Consequently the Court after having seen articles 9, 10, 15A, 22(1)(a)(1A)(2)(a)(i)(aa) of Chapter 101 of Laws of Malta and articles 23, 23A and 42(e) of Chapter 9 of Laws of Malta, condemns the said Thomas Uchenna Onyema to a term of imprisonment of ten (10) years and the imposition of a fine of twenty five thousand Euros (€25,000), which fine (multa) shall be converted into a further term of imprisonment of one year according to Law, in default of payment.

Furthermore the Court condemns him to pay the sum of one hundred and eighty two Euro and ninety cents (€182.90c) 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.

Moreover, orders the forfeiture in favour of the Government of Malta of all the property involved in the said crimes of which they have been found guilty and other moveable and immovable property belonging to the said Thomas Uchenna Onyema.

Finally, orders the destruction of all the objects exhibited in Court, consisting of the dangerous drugs or objects related to the abuse of drugs, which destruction shall be carried out by the Assistant Registrar of the Criminal Court, under the direct supervision of the Deputy Registrar of this Court who shall be bound to report in writing to this Court when such destruction has been completed, unless the Attorney General files a note within fifteen days declaring that said drugs are required in evidence against third parties.

Antonio Mizzi

Judge

Brian Avellino

Deputat Registratur