



CRIMINAL COURT

Hon. Madame Justice Dr. Consuelo-Pilar Scerri Herrera LL.D.

Bill of Indictment Nr. 11/2021

THE REPUBLIC OF MALTA

vs

Innocent Okolo Okwudili

Today the 18th November 2021

The Court,

Having seen the bill of indictment number eleven (11) of the year two thousand and twenty-one (2021) brought against Innocent Okolo Okwudili holder of Italian identity card number CA92064FQ and Italian 'Permesso di Soggiorno' number I14934141.

Wherein the Attorney General in the first count of the bill of indictment premised:

That in the early hours of the fifteenth (15th) of March of the year two thousand and twenty (2020) at around ten minutes past midnight (00:10hrs) Police officers at the Qawra Police Station were informed by the ambulance control room that a person had just been stabbed at Triq il-Ġifen in St. Paul's Bay;

That Police officers from the same Police district reported on site from where it resulted that the person who was stabbed was a male person and he was found inside the bar known as 'Different Colours'. The Police officers together with a medical team led by Dr. Michael Spiteri rushed inside the bar. The latter gave medical assistance to the injured person who at the time was in cardiac respiratory arrest and in critical condition;

That the victim was taken to hospital and admitted to the emergency department shortly before one o'clock in the morning. Attempts to resuscitate

the patient proved to be futile and he was certified dead at five past one in the morning (1:05hrs);

That the duty Magistrate was duly informed about the case. A Magisterial inquiry was held and a number of experts were appointed to assist the Magistrate during the inquiry;

That upon medical examination by the court appointed expert, it transpired that the victim sustained an injury to his chest compatible with a stab wound. The wound was made by a pointed instrument with one cutting edge, and which caused the victim to lose large amounts of blood and to suffer from a hypovolaemic shock;

That from investigations carried out by the police on site, it transpired that the victim was Amoubi Joseph Ezechi of Nigerian nationality who used to reside in an apartment situated above the bar 'Different Colours' together with the accused **Okolo** and another person whose name is Ferdinand Emeka;

That on the night of the fourteenth (14th) of March of the year two thousand and twenty (2020), the accused **Okolo** and the victim Ezechi had gone out some time during the afternoon and came back to their apartment around twenty minutes past eleven in the evening (23:20hrs);

That when they returned home, Emeka, who was at the apartment, started hearing the accused **Okolo** and Ezechi shouting and arguing. **Okolo** was arguing with Ezechi over some money due by Ezechi to the accused while Ezechi was asking the accused about when was the last time he cooked dinner in the apartment. Emeka tried to calm down both men but the accused **Okolo** and Ezechi continued arguing and started fighting physically;

That since Emeka could not stop them from fighting, he went downstairs to the bar to find and ask the person in charge of the same bar to help him in stopping **Okolo** and Ezechi from fighting;

That when the accused and Ezechi were on their own in the apartment, the accused **Okolo**, maliciously, with intent to kill Ezechi or to put his life in manifest jeopardy, stabbed Ezechi in his chest with a pointed instrument;

That since the owner of the bar was nowhere to be seen inside the bar, after a few seconds, Emeka decided to go back upstairs to the apartment;

That as Emeka was going back upstairs to the apartment, **Okolo** was going down the stairs and he told Emeka that 'everything is alright' and that he was no longer fighting with Ezechi. However, when Emeka entered the apartment,

he found Ezechi bleeding and holding his chest. Ezechi told Emeka that the accused **Okolo** had stabbed him;

That subsequently, Emeka went downstairs to the bar to look for **Okolo** but he was nowhere to be seen. He then started shouting for help. Emeka, together with some other persons, helped the victim, Ezechi, to go down the stairs from the apartment to the bar, and called an ambulance. As explained above, Ezechi was taken to hospital and died shortly afterwards as a result of an injury to his chest;

That moreover, it was later established that after the stabbing, the accused **Okolo** did not go back to his apartment situated on top of the bar 'Different Colours' but went to reside with a friend of his whose name is Jonathan Nwadiomimi. The accused **Okolo** explained to his friend Nwadiomimi that Ezechi did not let him sleep in their apartment because they had fought and that he went over to Nwadiomimi's place to sleep there. On the following day, the accused **Okolo** received a phone call from Ezechi's friend who informed him that Ezechi had passed away. At that moment, **Okolo** confessed with Nwadiomimi that he was the one who stabbed Ezechi. Upon hearing this, Nwadiomimi advised the accused **Okolo** to report this to the police;

That on the fifteenth (15th) of March of the same year, the St Julian's Police Station was informed by the Police control room that the accused **Okolo** was found at Bay Street in St. Julian's. Consequently, Police officers from the St Julian's Police Station reported on site to arrest him;

That by committing the above-mentioned acts with criminal intent, the accused **Okolo Innocent Okwudili** rendered himself guilty of **wilful homicide**, namely that during the night between the fourteenth (14th) and the fifteenth (15th) of March of the year two thousand and twenty (2020) between half past eleven in the evening (23:30hrs) and half past one in the morning (1:30hrs) at Different Colours, Triq il-Ġifen, St. Paul's Bay, Malta, **maliciously, with intent to kill another person (Amoubi Joseph Ezechi) or to put the life of such other person in manifest jeopardy, caused the death of such other person (Amoubi Joseph Ezechi);**

Wherefore, the Attorney General, in the name of the Republic of Malta, on the basis of the facts and circumstances narrated above, accuses **Okolo Innocent Okwudili** of being guilty of **wilful homicide**, namely that during the night between the fourteenth (14th) and the fifteenth (15th) of March of the year two thousand and twenty (2020) between half past eleven in the evening (23:30hrs) and half past one in the morning (1:30hrs) at Different Colours, Triq il-Ġifen, St. Paul's Bay, Malta, **maliciously, with intent to kill another person (Amoubi Joseph Ezechi) or to put the life of such other person in manifest jeopardy, caused the death of such other person (Amoubi Joseph Ezechi);**

Wherefore, the Attorney General, in the name of the Republic of Malta, demands that the accused **Okolo Innocent Okwudili** be proceeded against according to law, and that he be sentenced to the punishment of **imprisonment for life** as is stipulated and laid down in articles 17, 23, 31, 211(1)(2) 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;

Wherein the Attorney General in the second and final count of the bill of indictment premised:

That as explained in the previous count of this Bill of Indictment, in the early hours of the fifteenth (15th) of March of the year two thousand and twenty (2020) at around ten minutes past midnight (00:10hrs) Police officers at the Qawra Police Station were informed by the ambulance control room that a person had just been stabbed at Triq il-Ġifen, St. Paul's Bay;

That from investigations carried out by the Police, it transpired that the person who was stabbed was Amoubi Joseph Ezechi of Nigerian nationality. The victim used to reside in an apartment situated above the bar 'Different Colours' at Triq il-Ġifen, St. Paul's Bay, together with the accused **Okolo** and another person whose name is Ferdinand Emeka;

That on the night of the fourteenth (14th) of March of the year two thousand and twenty (2020), the accused **Okolo** and the victim Ezechi had gone out some time during the afternoon and came back to their apartment around twenty minutes past eleven in the evening (23:20hrs). When they came back, they started shouting and arguing. Emeka tried to calm down both men but the accused **Okolo** and Ezechi continued arguing and started fighting physically;

That since Emeka could not stop them from fighting, he went downstairs to the bar to find and ask the person in charge of the bar to help him in stopping **Okolo** and Ezechi from fighting;

That when the accused and Ezechi were on their own in the apartment, the accused **Okolo**, stabbed Ezechi in his chest with a pointed single edged instrument, which caused the victim to lose large amounts of blood and to suffer from a hypovolaemic shock as a consequence of which Ezechi lost his life;

That by committing the above-mentioned acts with criminal intent, the accused **Okolo Innocent Okwudili** rendered himself guilty of **having**, during the night between the fourteenth (14th) and the fifteenth (15th) of March of the year two thousand and twenty (2020) between half past eleven in the evening (23:30hrs) and half past one in the morning (1:30hrs) at Different Colours, Triq il-Ġifen, St. Paul's Bay, Malta, **on his person, without a lawful purpose, any arm proper or ammunition or any imitation thereof, at the time of committing a crime against a person (Amoubi Joseph Ezechi);**

Wherefore, the Attorney General, in the name of the Republic of Malta, on the basis of the facts and circumstances narrated above, accuses **Okolo Innocent Okwudili** of **having**, during the night between the fourteenth (14th) and the fifteenth (15th) of March of the year two thousand and twenty (2020) between half past eleven in the evening (23:30hrs) and half past one in the morning (1:30hrs) at Different Colours, Triq il-Ġifen, St. Paul's Bay, Malta, **on his person, without a lawful purpose, any arm proper or ammunition or any imitation thereof, at the time of committing a crime against a person (Amoubi Joseph Ezechi);**

Wherefore, the Attorney General, in the name of the Republic of Malta, demands that the accused **Okolo Innocent Okwudili** be proceeded against according to law, and that he be sentenced to the **punishment of imprisonment for a term not exceeding four (4) years** as is stipulated and laid down in articles 55(a), 56, 57 and 61 of the Arms Act, Chapter 480 of the Laws of Malta, and articles 17, 23, 31 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 the jury of today, 18th November 2021, whereby the jury with regards to the first count proffered by the Attorney General in the Bill of Indictment unanimously found the accused not guilty and with regards to the second and final count proffered by the Attorney General in the Bill of Indictment unanimously declared the accused not guilty

The Court in view of the verdict of today, declares the accused Innocent Okolo Okwudili not guilty of the first and second counts of the Bill of Indictment and

after having seen article 487 of Chapter 9 of the Laws of Malta, orders that unless he is in custody for some other reason, he is set at liberty.

Consuelo Scerri Herrera

Judge

Nadia Ciappara

Deputy Registrar