



CRIMINAL COURT

**Hon. Madame Justice Dr. Consuelo-Pilar Scerri Herrera LL.D. Dip Matr.,
(Can), Ph.D.**

Bill of Indictment Nr. 2/2016/1

THE REPUBLIC OF MALTA

vs

Eshiemokhai Yakubu Okhiulu

Today the 12th of September, 2023

The Court,

Having seen the bill of indictment number two (2) of the year two thousand and sixteen (2016) brought against **Eshiemokhai Yakubu Okhiulu** holder of Nigerian Passport No. A05538121 and holder of Italian Identity Card No. AV0508541, wherein the Attorney General in the first count:

On the fifteenth (15) of December of the year two thousand fourteen (2014) at around nine thirty in the evening (21.30) two members of the Drug Squad namely PS518 Anthony De Giovanni and PC 1026 Brandon Gauci while monitoring passengers travelling on the Catamaran from Pozzallo, Italy to Malta, a suspicion arose with regards to a person namely **Eshiemokhai Yakubu Okhiulu** holder of Nigerian passport A05538121 and Italian ID Card AV0508541. The Police in collaboration with the Customs Officers effected a search on the luggage bags that

were being carried by **Eshiemokhai Yakubu Okhiulu** and such search revealed that the said **Eshiemokhai Yakubu Okhiulu** hereinafter referred to as 'the accused', was carrying some raw meat in his luggage and in his haversack an amount of suspected cannabis grass in a yellow plastic bag wrapped in cling film. Upon further investigation it was found that the bags contained five hundred ninety-three grams (593 grams) of cannabis grass

with a purity of 7.5%.

That the accused **Eshiemokhai Yakubu Okhiulu** wanted to come to Malta in the year 2014 to meet his girlfriend Joy, who lives in Malta, as she told him that she was expecting a baby. **Eshiemokhai Yakubu Okhiulu** wanted to surprise her by coming to Malta. However, the accused did not have sufficient funds to come to Malta so he asked his friend known as 'Toto' for help. His friend paid for **Eshiemokhai Yakubu Okhiulu's** ticket and gave him the Cannabis grass, found in his haversack, in order to make money out of it. The deal between Toto and **Eshiemokhai Yakubu Okhiulu** was that the latter sells the cannabis grass in Malta and from the earnings derived therefrom he will obtain a percentage.

Having conspired and agreed to this modus operandi, the accused took the suitcase together with the haversack and embarked the Catamaran to come to Malta.

Fortunately, the Police in collaboration with the Customs Officers disrupted this plan when they stopped the accused at the Sea Terminal in Marsa.

By committing the above mentioned acts with criminal intent, **Eshiemokhai Yakubu Okhiulu** rendered himself guilty of conspiracy to trafficking in dangerous drugs 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 **Eshiemokhai Yakubu Okhiulu** of being guilty of having, on the fifteenth (15) of December of the year two thousand fourteen (2014) and the previous days before this date, 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 (cannabis grass) 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.

Demanded that the accused be proceeded against according to law, and that **Eshiemokai Yakubu Okhiulu** is 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 and 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 in respect of which the offence was committed and described in the bill of indictment as is stipulated and laid down in articles 2, 7, 8(a),(b),(d),(e), 12, 15A(1),(2), 20, 22(l)(a),(f),(1A),(1B),(2)(a)(i),(3A)(a)(b)(c)(d),(7), 22A and 26 of the Dangerous Drugs Ordinance and of articles 17, 23, 23A, 23B, 23C 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:

In pursuance and execution of the association and conspiracy mentioned under the First Count above, **Eshiemokhai Yakubu Okhiulu** carried a yellow plastic bag wrapped in cling film concealing five hundred and ninety-three grams (593 grams) of Cannabis grass with a purity of 7.5%, with a street value of approximately €14,825.00, in a haversack with the intention of importing such cannabis in Malta. In fact, on the fifteenth (15) of December of the year two thousand fourteen (2014) the said cannabis grass was imported into Malta by the accused illegally. Fortunately, the Police Officers in collaboration with the Customs Officers apprehended **Eshiemokhai Yakubu Okhiulu** as he was leaving the Sea Terminal in Marsa and seized the drugs found in the haversack carried by the accused and thus stopped the illegal trafficking in Malta.

Eshiemokai Yakubu Okhiulu embarked the Catamaran from Pozzallo, Italy, carrying the drugs with the intention to bring them to Malta in order to sell and make money out of them. In fact the catamaran arrived in Malta as scheduled

however the Police and the Customs Officers disrupted this plan when they stopped the accused at the Sea Terminal in Marsa.

Cannabis grass is a dangerous drug specified and controlled under the provisions of Part I, First Schedule, of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta). **Eshiemokhai Yakubu Okhiulu** was not in possession of any valid and subsisting license from the President of Malta, was not authorised by the Internal Control of Dangerous Drugs Regulations (G.N. 292/1939) or by other authority given by the President of Malta, to supply this drug, and was likewise not duly licensed to distribute the mentioned drug, in pursuance of the provisions of Regulation 4 of the Internal Control of Dangerous Drugs Regulations (G.N. 292/1939), as subsequently amended by the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta);

By committing the abovementioned acts with criminal intent, the accused **Eshiemokhai Yakubu Okhiulu** rendered himself guilty of importing or causing to be imported or of taking any steps preparatory to importing any dangerous drug (cannabis grass) into Malta 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 **Eshiemokhai Yakubu Okhiulu** of being guilty of having, on the fifteenth (15) of December of the year two thousand fourteen (2014), with criminal intent, imported or caused to be imported or taken preparatory steps to import any dangerous drug (cannabis grass) into Malta in breach of the provisions of the Dangerous Drugs Ordinance, (Chapter 101 of the Laws of Malta).

Demanded that the accused be proceeded against according to law, and that **Eshiemokhai Yakubu Okhiulu** 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 and 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 in respect of which the offence was committed and as described in the bill of indictment, as is stipulated and laid down in articles 2, 7, 8(a),(b),(e), 10(1), 12, 14(3),(4), 15, 15A, 20, 22(1)(a),(1B),(2)(a)(i),(3A)(a)(b)(c)(d)(7), 22A, 24A, and 26 of the Dangerous Drugs Ordinance and of articles 17, 23, 23A, 23B, 23C 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 third and final count:

Following the illegal importation into Malta of the dangerous drug (cannabis grass) on the fifteenth (15) of December of the year two thousand fourteen (2014) as explained under the First and Second Count, in breach of the provisions of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta), the Police in collaboration with the Customs Officers effected a search on the luggage bags that were being carried by **Eshiemokhai Yakubu Okhiulu** on his entry to Malta and such search revealed that the accused had in his possession five hundred and ninety-three grams (593 grams) of cannabis grass with a purity of 7.5%, with a street value of approximately €14,825.00, concealed in a yellow plastic bag wrapped in cling film in a haversack. This amount of drugs was intended for the illegal trafficking in Malta.

The amount of cannabis grass carried by **Eshiemokhai Yakubu Okhiulu** was in the amount of five hundred and ninety-three grams (593 grams). Such amount together with the circumstances in which the drugs were found are indicative of the fact that the said drugs were not solely for his personal use and were intended to be sold or otherwise dealt with in whole or in portion.

The accused was not in possession of any license or authorisation issued under the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta), which authorised or permitted in any way the importation of the dangerous drug concerned by the accused.

That the cannabis plant is a dangerous drug specified and controlled under the provisions of Part I and the First Schedule, of the Dangerous Drugs Ordinance and

the accused was not authorized to be in possession of such dangerous drugs in terms of Law.

Consequently, by committing the above mentioned acts with criminal intent, the accused **Eshiemokhai Yakubu Okhiulu** rendered himself guilty of being in possession of a dangerous drug (cannabis grass) as specified in the First Schedule of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta when he was not in possession of an import authorization issued by the Chief Government Medical Officer in pursuance of the provisions of Part III of the Dangerous Drugs Ordinance, and when he was not licensed or otherwise authorized to manufacture or supply the mentioned drugs, and was not otherwise licensed by the President of Malta or authorized 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 were supplied to him for his 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) and which drug was found under circumstances denoting that it was not intended for his personal use.

Wherefore, the Attorney General, in the name of the Republic of Malta, on the basis of the facts and circumstances narrated above, accuses **Eshiemokhai Yakubu Okhiulu** of having, on the fifteenth (15) of December of the year two thousand fourteen (2014) been in possession of a dangerous drug (cannabis grass) with criminal intent, as specified in the First Schedule of the Dangerous Drugs Ordinance, (Chapter 101 of the Laws of Malta) when he was not in possession of an import or an export authorization issued by the Chief Government Medical Officer in pursuance of the provisions of Part III of the Dangerous Drugs Ordinance, and when he was not licensed or otherwise authorized to manufacture or supply the mentioned drugs, and was not otherwise licensed by the President of Malta or authorized 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 were supplied to him for his 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) and which drug was found under circumstances denoting that it was not intended for his personal use.

Demanded that the accused be proceeded against according to law, and that **Eshiemokhai Yakubu Okhiulu** 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 and 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 in respect of which the offence was committed and as described in the bill of indictment, as is stipulated and laid down in articles 2, 7, 8(a),(b),(d), 10(1), 12, 14, 20, 22(1)(a),(2)(a)(i),(3A)(a)(b)(c)(d),(7), 22(A), and 26 of the Dangerous Drugs Ordinance, (Chapter 101 of the Laws of Malta) and of regulations 2, 8, 9 and 16 of the 1939 Regulations on the Internal Control of Dangerous Drugs (G.N. 292/1939) and of articles 17, 23, 23A, 23B, 23C 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 acts of the proceedings, including those of the compilation of evidence before the Court of Magistrates as a Court of Criminal Inquiry.

Having heard the accused plead guilty on the first day of the appointed trial by jury and this after the Bill of Indictment was read out to him and after the court explained to the accused the significance of the charges brought against him and the potential punishment that could be awarded in this case. The court heard the accused insist on registering his guilty plea.

Having heard **Inspector Nicholai Sant** give evidence in the same morning and explain that on the 15th December, 2015 he was duty officer at the Drugs Squad. There were a number of officials carrying out searches on people arriving from Pozzallo via catamaran. At about 9.00p.m he received a phone call from PC Degiovanni and was informed that he had found a passenger in possession of suspected grass Cannabis in a bag he was carrying. He explained that PC Degiovanni told him that the suspect was given his legal rights and subsequently was taken to the Police Head Quarters. He

recognised the accused as the same person that was brought before him on the 15th December 2014. He stated that he informed the magistrate on duty who ordered the opening of an inquiry and a number of experts were appointed amongst whom was pharmacist Godwin Sammut who confirmed that the substance found was in fact Cannabis. The witness confirmed that the accused was given his legal rights once again and released a statement which he recognised as that exhibited in court at pge 8 et seq. The accused confirmed in his statement that he was given the Cannabis by a friend Toto and was told to sell the drugs in Malta and then give him a share from the recovery of such sale. The witness explained that he had a pregnant girlfriend in Malta. He confirms that the accused also spoke to Dr Valenzia legal aid lawyer.

Having heard the accused **Eshiemokhai Yakubu Okhiulu** give evidence voluntarily and spontaneously and explain that he used to live in Sicily and work as a builder and wanted to come to Malta. Having heard him say that despite being in possession of the drugs he was not aware of it. He explained that the packet was given to him by a friend Toto in Sicily who asked him to deliver it to a friend of his in Malta. He said that he had told the police upon apprehension that there was somebody waiting for hm outside the sea port though the police would not hear of it. He explained that his girlfriend was pregnant with his child and that he wanted to start a new life here in Malta. Today he is doing well after having spent 27 months under preventive custody and that he has two businesses ongoing. Namely he works as a barber and has a shop that sells foodstuffs. He explained that he pays VAT and taxes in Malta and has all his business regularised according to law. He asked for leniency in the punishment due to the fact that when the crimes were committed nine years ago he was only 32 years old and that today he had changed his life style, settled down to being a good citizen. He confirmed that he never contravened his bail conditions and never got into trouble with the police during his sty in Malta.

Having heard both the defence and the prosecution make their oral submissions with regards to the punishment that should be awarded.

Considers the following:-

That during todays sitting the accused Eshiemokhai Yakubu Okhiulu when asked whether he pleads guilty or not to the charges brought forward against

him, chose to plead guilty to **ALL** three charges and this independently from what he stated in his testimony before the court.

Having seen that the court gave him enough time to reconsider his guilty plea even after giving him enough time to consult with his lawyer in court and reflect on the decision taken by him as is requested by Article 453(1) of the Criminal Code.

After having given a short time to the accused to reconsider his plea and once again register his guilty plea the court took note of his unconditional admission to the charges and thus declares the accused Eshiemokhai Yakubu Okhiulu guilty of the charges namely that on the 15th December 2014 the accused

1. Conspired for the purpose of selling or dealing in the drug Cannabis grass.
2. Imported the dangerous drug Cannabis Grass
3. Was in possession of the Cannabis Grass which circumstances denotes was not intended for his personal use.

With regards to the appropriate punishment the court took note of the following.

When the accused committed these crimes it does not appear that he was a particularly vulnerable person, albeit of a relatively young age. Nor is there evidence that the accused had any mental disorders or any intellectual impairment.

That the crime of conspiracy mentioned in the first charge served as a means to commit the crime contemplated in the second charge that is the importation of this cannabis grass in Malta and that the third charge is included in the second charge. Therefore the court must apply article 17(h) of the Criminal Code when awarding punishment.

The court heard the submissions of both parties with reference to the case law cited by them and on this vein this court makes reference to the case decided by the Criminal Court of Appeal in the names **Republika ta'Malta vs Carmen Butler** decided on the 26th February 2009 wherein the court held that:-

S'intendi, kif diga` nghan, "sentencing is an art rather than a science" u wiehed ma jistax jippretendi xi precizjoni matematika jew identita` perfetta fit-tqabbil tal-fatti ta' kaz ma' iehor jew tal-piena erogata f'kaz ma' dik erogata f'kaz iehor."

Apart from that this court also took note of the judgment in the names **Republika ta' Malta vs Domic Bonnici**¹ where the court cited some paragraphs from Blackstone specifically in regard to when the accused is worthy or not of a reduction in punishment. This was done due to the fact that the defence lawyer made reference to the fact that the accused registered an unconditional admission

In fact in this latter judgement the court made reference to the case **Ir-Repubblika ta' Malta vs. Mario Camilleri**² , where the court held that an early admission does not necessarily give the accused an automatic right to a reduction in punishment. The general rules that should guide the courts in an early admission were outlined in the case in the **Ir-Repubblika ta' Malta vs. Nicholas Azzopardi**³, and **Il-Pulizija vs. Emmanuel Testa**⁴. In the later judgment the court reproduced the following paragraph from the book - BLACKSTONE'S CRIMINAL PRACTICE⁵ :-

“Although this principle [that the length of a prison sentence is normally reduced in the light of a plea of guilty] is very well established , the extent of the appropriate “discount” has never been fixed. In Buffery ([1992] 14 Cr. App. R. (S) 511) Lord Taylor CJ indicated that “something in the order of one-third would very often be an appropriate discount”, but much depends on the facts of the case and the timeliness of the plea. In determining the extent of the discount the court may have regard to the strength of the case against the offender . An offender who voluntarily surrenders himself to the police and admits a crime which could not otherwise be proved may be entitled to more than the usual discount. (Hoult (1990) 12 Cr. App. R. (S) 180; Claydon (1993) 15 Cr. App. R. (S) 526) and so may an offender who , as well as pleading guilty himself , has given evidence against a co-accused (Wood [1997] 1 Cr. App. R. (S) 347) and/or given significant help to the authorities (Guy [1992] 2 Cr. App. R. (S) 24). Where an offender has been caught red handed and a guilty plea is inevitable , any discount may be reduced or lost (Morris [1998] 10 Cr. App. R. (S) 216; Landy [1995] 16 Cr. App. R. (S) 908) . Occasionally the discount may be refused or reduced for other reasons , such as where the accused has delayed his plea in an attempt to secure a tactical advantage (Hollington [1985] 85 Cr. App. R. 281; Okee [1998] 2 Cr.

¹ Decided by the Criminal court of Appeal on the 19th May 2004

² Decided by the Criminal court of Appeal on the 5th July 2002

³ Decided by the Criminal court of Appeal on the 24th February 1997

⁴ Decided by the Criminal court of Appeal on the 17th July, 2002

⁵ Blackstone Press Limited – 2001 edit.

App. R. (S) 199.) Similarly , some or all of the discount may be lost where the offender pleads guilty but adduces a version of the facts at odds with that put forward by the prosecution , requiring the court to conduct an inquiry into the facts (Williams [1990] 12 Cr. App. R. (S) 415.) The leading case in this area is Costen [1989] 11 Cr. App. R. (S) 182 , where the Court of Appeal confirmed that the discount may be lost in any of the following circumstances : (i) where the protection of the public made it necessary that a long sentence , possibly the maximum sentence, be passed; (ii) cases of 'tactical plea' , where the offender delayed his plea until the final moment in a case where he Paġna 8 minn 10 could not hope to put up much of a defence , and (iii) where the offender has been caught red-handed and a plea of guilty was practically certain"

The Court took note of the admission registered by the accused namely that this was done nine years after being charged and seven years after the Bill of Indictment was signed. The accused only registered an admission before this court seven years after he was notified with the Bill of Indictment was issued namely on the appointed day for the trial, and therefore there was a lot of precious time wasted by the administration of the court, by the presiding judge as well as by the prosecution and defence lawyer. Thus there should be no reduction in this case.

The court took note that the accused could not benefit from the application of Article 29 of Chapter 1010 of the laws of Malta as confirmed by Inspector Nicolai Sant before this same court.

The court took note of the participation of the accused namely that it was he himself who imported the drug into the Maltese Islands. On this matter this court took note of what was said in the case in the names **'Ir-Repubblika ta' Malta v. Basam Mohamed Gaballa Ben Khial**⁶, wherein it was held that: _

*"fejn si tratta ta' traffikar tad-droga (inkluza importazzjoni) l-element tad-deterrent ġenerali fil-piena hija konsiderazzjoni ewlenija li kull Qorti ta' Ġustizzja Kriminali għandha żżomm f'moħħha fil-għoti tal-piena, basta, s'intendi, li jkun hemm element ta' proporzjonalita` bejn il-fattispeċi partikolari tal-każ u l-piena erogata (vide in this regard **Ir-Repubblika ta' Malta v. Thafer Idris Gaballah Salem**)⁷."*

⁶ Decided by the Criminal court of Appeal on 19th February 2004

⁷ Decided by the Criminal court of Appeal on 16th October 2003

In the case in the names **Ir-Repubblika ta' Malta v. Thafer Idris Gaballah Salem**, it was held that :

“Ma hemmx dubbju li l-element ta' deterrent, speċjalment fil-każ ta' reati premeditati (a differenza ta' dawk li jiġu kommissi “on the spur of the moment”) hi konsiderazzjoni leġittima li Qorti tista', u hafna drabi għandha, iżzomm quddiem għajnejha fil-għoti tal-piena.... S'intendi, hemm dejjem l-element tal-proporzjonalita` qorti ma tistax, bl-iskuża tad-“deterrent”, tagħti piena li ma tkunx ġustifikata fuq il-fatti li jirriżultaw mill-provi.”

The Court took note of the clean conduct sheet of the accused in that there is no crime or contravention registered on it till today as evidence by the copy presented in the acts of these proceedings *seduta stante*.

It also took note of the fact that this case relates to offences that took place in the year 2014, though the delay in getting this case decided is only attributed to the accused himself.

The Court also noted that during the last few years there has been a development in the way Maltese society and the Maltese Legislator look at the use of this drug in the sense that with laws introduced in 2021 the Maltese Legislator took a more tolerant position towards those who use cannabis drug for their personal use. But at the same time, the same Legislator kept an iron fist with anyone who in any way deals in this drug or is caught in possession of such a drug in circumstances that show that it was not for the exclusive use of the possessor as is the case under examination: so much so that it did not change the severe punishment for those who traffic in this drug or who possess this drug not for their exclusive use.

The Court also took note of a similar case in the names **The Republic of Malta vs. Ryan Rahiel Irfaan Naipal**⁸ wherein the accused was found guilty of importing and conspiring to deal in the drug Cannabis in the amount of 500grams of wherein the accused was condemned to 2 years imprisonment and to the payment of a fine of €4000. However in this latter case the admission took place immediately upon the issuance of the Bill of Indictment and article 29 of chapter 101 of the laws of Malta was also applied. In this case under examination the admission came at a much later stage and the accused was also accused of a third charge namely possession of the drug when not for personal use and there is no application of article 29 of chapter 101 of the laws of Malta,

⁸ Decided by the Court of Criminal Appeal on the 9th May 2023

That, in view of the above considerations, after having seen the provisions of Articles 2, 7, 8(a),(b),(e), 10(1), 12, 14(3),(4), 15, 15A, 20, 22(1)(a),(1B),(2)(a)(i),(3A)(a)(b)(c)(d)(7), 22A, 24A, and 26 of the Dangerous Drugs Ordinance and of articles 17, 23, 23A, 23B, 23C and 392B and 533 of the Laws of Malta, as well as Regulations 2, 4(a), 9 and 16 of Subsidiary Legislation 101.02 Internal Control of Dangerous Drugs Rules condemns the accused **Eshiemokhai Yakubu Okhiulu** to a term of imprisonment of four and a half years and to a fine (multa) of five thousand euro (€5,000) which in default of payment will be converted to a further term of imprisonment according to the law in terms of Article 11 of the Criminal Code. It is to be noted that the minimum punishment that could be awarded in **this** case according to article 22 (2) (a) (i) (bb) of Chapter 101 of the laws of Malta is **four** years imprisonment.

The Court orders in terms of section 533 of the Criminal Code of Malta that the accused pays the government of Malta the expenses incurred in the appointment of experts in the relative magisterial inquiry and this within three months from today.

Also, it orders the forfeiture of all objects exhibited in Court, used in connection with the offence.

The Court orders the confiscation in favour of the Government of Malta of all the monies and other property, movable or immovable of the accused.

Finally, the Court orders that the drug seized and exhibited in relation to this case be destroyed unless the Attorney General declares by means of a note within 15 days from the date of this judgment that this drug seized is no longer required in relation to other proceedings against third parties.

Dr Consuelo Scerri Herrera

Ho Madame Justice