



**CRIMINAL COURT**

**THE HON. MR. JUSTICE  
LAWRENCE QUINTANO**

Sitting of the 21 st February, 2011

Number 11/2010

**The Republic of Malta  
Vs  
Pascal Okafor**

**The Court,**

Having seen the bill of indictment no. 11/2010 against the accused Pascal Okafor wherein he was charged with:

1) After the Attorney General premised in the First Count of the Bill of Indictment that  
on the thirty first (31<sup>th</sup>) day of July of the year two thousand and nine (2009) and during the previous months PASCAL OKAFOR decided to start dealing, offering, supplying and selling drugs illegally in the Maltese Islands in agreement with others.

In fact on the dates abovementioned, the accused PASCAL OKAFOR conspired and agreed with other

persons, namely a certain Dan and Mike Kenneth, to illegally keep in his possession sixty three (63) capsules filled with the dangerous drug cocaine and to eventually sell, offer or supply these capsules filled with cocaine to third parties. In execution of these pre-concerted plans PASCAL OKAFOR agreed to provide all the necessary assistance for this illegal activity to take place, which activity causes untold harm to Maltese society and an illegal financial gain to the accused, which financial gain was at the basis of this conspiracy. In fact on the 30<sup>th</sup> July 2009 PASCAL OKAFOR agreed to meet and he actually met both Mike Kenneth and Dan and he agreed with them to keep and eventually sell to third parties a total of sixty three capsules filled with the drug cocaine.

Fortunately, on the 31<sup>st</sup> of July 2009 in St. Paul's Bay, Police Officers from the Drug Squad, knowing that an illegal activity will take place, stopped and effected a search on the person of the accused. From this search it transpired that PASCAL OKAFOR was carrying four plastic bags containing a total of sixty three capsules filled with the drug cocaine. These sixty-three (63) capsules were filled with circa 913.62 grams of the drug cocaine with its purity calculated at 38.72%. The total street value of these drugs as determined by the Court appointed expert amounted to around sixty-nine thousand four hundred and thirty-five Euro (€69, 435).

PASCAL OKAFOR was not authorized to be in possession of such dangerous drugs in terms of Law.

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

By committing the abovementioned acts with criminal intent, PASCAL OKAFOR rendered himself guilty of conspiracy to trafficking 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, accused PASCAL OKAFOR of being guilty of having, on the thirty first (31<sup>st</sup>) day of July of the year two thousand and nine (2009) and during the previous months with criminal intent, with another one or more persons in Malta, or outside Malta, conspired for the purpose of selling or dealing in drugs (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 demanded 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 the entire immovable and movable property in which the offence took place as described in the bill of indictment, 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), 22(A), 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.

2) After the Attorney General premised in the Second Count of the Bill of Indictment that within and during the same context of place, time, facts and circumstances mentioned in the preceding counts of this bill of indictment, that is to say on the thirty first (31<sup>st</sup>) day of July of the year two thousand and nine (2009) in St. Paul's Bay, Police Officers from the Drug Squad, knowing that an illegal activity will take place, stopped and affected a search on the person of PASCAL OKAFOR. From this search it transpired that PASCAL OKAFOR was carrying four plastic bags containing a total

of sixty three capsules filled with the drug cocaine. These sixty-three (63) capsules were filled with circa 913.62 grams of the drug cocaine with its purity calculated at 38.72%. The total street value of these drugs as determined by the Court appointed expert amounted to around sixty-nine thousand four hundred and thirty-five Euro (€69, 435). The accused was in possession of these capsules filled with cocaine for their eventual trafficking to third parties. PASCAL OKAFOR was therefore knowingly and illegally in possession of sixty-three capsules containing the drug cocaine while in the Maltese Islands which drug was found under circumstances denoting that it was not intended for his personal use.

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

Consequently by committing the abovementioned acts with criminal intent, PASCAL OKAFOR rendered himself guilty of being in possession of a dangerous drug (cocaine) 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 paragraphs 4 and 6 of the 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, accused PASCAL OKAFOR of being guilty of having, with criminal intent, of being in possession of a dangerous drug (cocaine) 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 paragraphs 4 and 6 of the 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 on 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, and demanded 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 in which the offence took place as described in the bill of indictment, as is stipulated and laid down in articles 2, 9, 10(1), 12, 22(1)(a)(2)(a)(i)(3A)(a)(b)(c)(d)(7), 22(A), 24A, and 26 of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta and of regulations 2, 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 all the records of the case, including those of the compilation of evidence before the Court of Magistrates (Malta) as a Court of Criminal Inquiry;

Having seen the joint application filed by the Attorney General and the accused on the 3<sup>rd</sup> February, 2011, whereby, after declaring that in the event that the accused was filing a guilty plea to the charges brought forward in his regard in the above referred to Bill of Indictment, requested that the punishment to be awarded should consist of a term of imprisonment of ten (10) years and the imposition of a fine of twenty three thousand Euros (€23,000) together with the other sanctions and consequences that are prescribed by law for the above conviction in terms of the provisions of the Dangerous Drugs Ordinance Chapter 101 of the Laws of Malta, including the confiscation of any monies and movable and immovable properties of the accused.

Having seen that in today's sitting the accused, in reply to the question as to whether he was guilty or not guilty of the charges preferred against him under the three counts of the Bill of Indictment, stated that he was pleading guilty thereto;

Having seen that this Court then warned the accused in the most solemn manner of the legal consequences of such statement and allowed him a short time to retract it, according to Section 453 (Chap. 9);

Having seen that the accused being granted such a time, persisted in his statement of admission of guilt;

Now therefore declares Pascal Okafor guilty of all two counts in the Bill of Indictment, namely of having:-

1. on the 31<sup>th</sup> day of July 2009 and during the previous months, with criminal intent, with another one or

more persons in Malta, or outside Malta, conspired for the purpose of selling or dealing in drugs (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 this according to the First Count of the Bill of Indictment;

2. on the 31<sup>st</sup> day of July 2009 in St. Paul's Bay, with criminal intent, of being in possession of a dangerous drug (cocaine) 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 paragraphs 4 and 6 of the 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 on 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, and this according to the Second Count of the Bill of Indictment;

Having considered all the circumstances of the case, this Court is satisfied that the combination of sanctions and measures requested by the prosecution and the accused are those which it would have been lawful for it to impose upon conviction for the offences to which the accused has pleaded guilty and that it does not have cause to order the trial of the cause to be proceeded with or to reject said request for any other reason.

Having considered the guilty plea of the accused after the Court explained to him in clear terms the consequences of his request, now proceeds to pass the sentence indicated to it by the parties as aforesaid.

Having seen articles 2, 9, 10(1), 12, 22(1)(a)(f)(1A)(1B)(2)(a)(i)(3A)(a)(b)(c)(d)(7), 22(A), 24A, and 26 of the Dangerous Drugs Ordinance (Chap.101); Regulations 2, 9 and 16 of the 1939 Regulations for the Internal Control of Dangerous Drugs (L.N. 292/1939) and Sections 17, 23, 23A, 23B, 23C and 533 of the Criminal Code ;

Now therefore condemns the said Pascal Okafor to a term of imprisonment of ten (10) years, and to the payment of a fine (multa) of twenty three thousand Euros (€23,000), which fine (multa) shall be converted into a further term of imprisonment of twelve months according to Law, in default of payment ;

Furthermore condemns him to pay the sum of one thousand, two hundred and ninety eight Euros and fifty six cents (€1298.56) 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;

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 Pascal Okafor.

And 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 chemist Mario Mifsud, 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.



Informal Copy of Judgement

**< Final Judgement >**

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