



The Republic of Malta

Criminal Court

Hon. Justice Dr. Antonio Mizzi LL.D.

Admission Nr: 2/2015

The Republic of Malta

Vs

Sampson Twene

Today the 17th March, 2016,

The Court,

Having seen the charges brought against Sampson Twene holder of Ghanaian igerian Passport number H2653587 and holder of Italian Id Card no AT 2239147, accused in front of the Court of Magistrates (Malta) of having:

On the 12th December, 2014 and during the days preceding this date, on the Maltese islands:

1. 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 (cannabis grass), 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;

2. Imported, or caused to be imported, or took any steps preparatory to import any dangerous drug (cannabis plant) into Malta against the provisions of The Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta;

3. Had in his possession the whole or any portion of the plant cannabis in terms of Section 8 (d) of the 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 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 Attorney General's Order and accused's identification documents, 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 3rd March, 2015, 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 1st April, 2016, 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 (3rd) of March of the year two thousand and fifthteen (2015), the accused Sampson Twene 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 sixth (6th) of March of the year two thousand and sixteen (2016), in terms of Article 392B(2) of the Criminal Code, the Attorney General declared that the charges brought against Sampson Twene 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 Sampson Twene, should be that of **five (5) years imprisonment and a fine (multa) of twelve thousand Euros (€12,000)**, 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 3rd March, 2015.

Considers,

That in view of the declaration of guilt filed by the accused before the Court of Magistrates in the 3rd March, 2015, 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 Sampson Twene guilty of having:

On the 12th December, 2014 and during the days preceding 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 (cannabis grass), 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;
2. Imported, or caused to be imported, or took any steps preparatory to import any dangerous drug (cannabis plant) into Malta against the provisions of The Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta;
3. Had in his possession the whole or any portion of the plant cannabis in terms of Section 8 (d) of the 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 8(a)(d), 15A, 22(1)(a)(1A)(2)(a)(i) (aa) of Chapter 101 of Laws of Malta and article 42(e) of Chapter 9 of Laws of Malta, condemns the said Sampson Twene to a term of imprisonment of five (5) years and the imposition of a fine of twelve thousand Euros (€12,000), which fine (multa) shall be converted into a further term of imprisonment of one year according to Law, in default of payment.

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