



CRIMINAL COURT

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

Sitting of the 10th October, 2011

Number 23/2010

**The Republic of Malta
Vs
Samuel Wisdom**

The Court,

Having seen the bill of indictment no. 23/2010 against the accused Samuel Wisdom wherein he was charged with:

- 1) After the Attorney General premised in the First Count of the Bill of Indictment that
on the seventeenth (17th) day of November of the year two thousand and eight (2008) and during the previous weeks and months, SAMUEL WISDOM decided to start dealing, offering, supplying and exporting drugs illegally into the Maltese Islands in agreement with others.

In fact on the dates abovementioned, the accused SAMUEL WISDOM conspired and agreed with other persons, namely a certain Tony and others, to illegally deal in and export from Eindhoven, The Netherlands and Brussels, Belgium to the Maltese Islands a quantity of the drug cocaine (783.60 grams of the drug cocaine) (hereinafter referred to as the “drug consignment”).

They agreed also about the mode of action as to how this drug consignment was to reach Malta and eventually how it was to be dealt with in Malta following its arrival. They agreed about the route that this drug consignment was to take (Eindhoven, The Netherlands through to Brussels, Belgium to Malta; the packing and/or means of concealment (body packing of capsules filled with the drug cocaine) and/or the means of transport (partly by car and partly by air travel) which was to be used in order for this quantity of the drug cocaine to be illegally brought and imported into Malta and this in order for the said drug to be eventually dealt with illegally within the Maltese Islands.

SAMUEL WISDOM agreed and planned with the said Tony, to eventually make contact with and meet in Malta the person who was to receive from him the said drug in Malta for its eventual trafficking and distribution in the Maltese Islands. SAMUEL WISDOM 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 (circa €1000), which financial gain was also at the basis of this conspiracy.

In execution of these pre-concerted plans, the said Tony bought an airline ticket to SAMUEL WISDOM from Brussels, Belgium to Malta in order for SAMUEL WISDOM to transport this drug cocaine consignment from Brussels, Belgium to Malta by air. Tony and SAMUEL WISDOM met in Tony’s apartment near Eindhoven, The Netherlands and while there SAMUEL WISDOM agreed to insert, and ingested seventy-eight capsules filled with the drug cocaine in his body.

On the 17th November 2008, SAMUEL WISDOM boarded the flight KM421 leaving from Brussels, Belgium destination Malta, carrying these seventy-eight capsules filled with the drug cocaine inside his body. On this date SAMUEL WISDOM arrived in the Maltese Islands carrying in his body these seventy-eight capsules containing the drug cocaine.

SAMUEL WISDOM was not authorized to be in possession of or import such dangerous drugs in terms of Law.

However before SAMUEL WISDOM managed to leave the Malta International Airport towards his destination in Malta he was intercepted by the Customs Officers who, together with the Malta Police Force managed to intervene in due time before this amount of drug cocaine managed to reach its intended final destination in the Maltese Islands to the respective consignee of the said drug cocaine. The Customs Officers effected a search on the person of SAMUEL WISDOM and invited him to submit himself to an x-ray of his abdomen at the Mater Dei Hospital. Following this examination, it transpired that SAMUEL WISDOM was carrying inside his body seventy-eight capsules filled with circa 783.60 grams of the drug cocaine with its purity varying between 35% and 65% (as determined later by the Court appointed expert). This consignment of the drug cocaine was the subject matter of the abovementioned conspiracy. The street value of this drug as determined by the Court appointed expert amounted to between fifty two thousand five hundred and one Euro (€52,501) and seventy-eight thousand two hundred and twenty one Euro (€82,121).

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

By committing the abovementioned acts with criminal intent, SAMUEL WISDOM 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 SAMUEL WISDOM of being guilty of having, on the seventeenth (17th) day of November of the year two thousand and eight (2008) and during the previous days and weeks 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 (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 of the accused, 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 count of this bill of indictment, that is to say on the seventeenth (17th) day of November of the year two thousand and eight (2008) and during the previous days and weeks, SAMUEL WISDOM decided to export from Eindhoven,

The Netherlands and Brussels, Belgium a quantity of the drug cocaine to be imported into the Maltese Islands. While in Brussels, Belgium and in Eindhoven, The Netherlands, SAMUEL WISDOM met and agreed with a certain Tony, about a deal aimed at this importation of the drug cocaine in the Maltese Islands which drug was then to be distributed and delivered to an unidentified person in Malta, for its eventual trafficking in the Maltese Islands.

SAMUEL WISDOM and the said Tony agreed that this drug cocaine consignment was to be transported from Eindhoven, The Netherlands to Brussels, Belgium by car, and from Brussels, Belgium to Malta by air transport. On the 17th November 2008 SAMUEL WISDOM inserted by ingesting seventy-eight capsules filled with the drug cocaine in his body and later boarded flight KM421 leaving from Brussels, Belgium destination Malta, carrying these seventy-eight capsules filled with the drug cocaine inside his body. On this date this flight arrived and landed in Malta. SAMUEL WISDOM was not authorized to import such dangerous drugs in terms of Law. SAMUEL WISDOM therefore managed to knowingly and illegally import in the Maltese Islands seventy-eight capsules containing the drug cocaine.

However before SAMUEL WISDOM managed to leave the Malta International Airport towards his final destination in Malta, he was intercepted by the Customs Officers and Malta Police Force Officers, who managed to intervene in due time before this amount of drug cocaine managed to reach its intended final destination in the Maltese Islands that is the consignee of the said drug cocaine. The Customs Officers effected a search on the person of SAMUEL WISDOM and invited him to submit himself to an x-ray of his abdomen at the Mater Dei Hospital. Following this examination, it transpired that SAMUEL WISDOM was carrying inside his body seventy-eight capsules filled with circa 783.60 grams of the drug cocaine with its purity varying between 35% and 65% (as determined later

by the Court appointed expert). This consignment of the drug cocaine was the subject matter of the abovementioned conspiracy. The street value of this drug as determined by the Court appointed expert amounted to between fifty two thousand five hundred and one Euro (€52,501) and seventy-eight two thousand one hundred and twenty one Euro (€82,121).

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

By committing the abovementioned acts with criminal intent, SAMUEL WISDOM rendered himself guilty of importing or exporting, or cause to be imported or exported, or take any steps preparatory to importing or exporting, any dangerous drug (cocaine) into or from 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, accused SAMUEL WISDOM of being guilty of having, on the seventeenth (17th) day of November of the year two thousand and eight (2008), with criminal intent, imported or exported, or caused to be imported or exported, or taken any steps preparatory to importing or exporting, any dangerous drug (cocaine) into or from Malta in breach of the provisions of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta 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 of the accused, as is stipulated and laid down in articles 2, 9, 10(1), 12, 14, 15A, 22(1)(a)(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.

3) After the Attorney General premised in the Third 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 seventeenth (17th) day of November of the year two thousand and eight (2008) and during the previous days and weeks, SAMUEL WISDOM agreed to export from Eindhoven, The Netherlands and Brussels, Belgium a quantity of the drug cocaine which was to be imported to the Maltese Islands. While in Eindhoven, The Netherlands and Brussels, Belgium SAMUEL WISDOM met a certain Tony with who he agreed to transport on his person and inside his body a drug cocaine consignment from Eindhoven, The Netherlands and Brussels, Belgium to Malta by air transport. SAMUEL WISDOM inserted (by ingesting) seventy-eight capsules filled with the drug cocaine in his body. On the 17th November 2008, SAMUEL WISDOM boarded flight KM421 leaving from Brussels, Belgium destination Malta, carrying these seventy-eight capsules filled with the drug cocaine inside his body. SAMUEL WISDOM was therefore knowingly and illegally in possession of seventy-eight 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.

However before SAMUEL WISDOM managed to leave the Malta International Airport towards his final destination in Malta he was intercepted by the Malta Customs Officials and later Police Force Officers, who managed to intervene in due time before this amount of drug cocaine managed to reach its intended final destination in the Maltese Islands to the respective consignee of the said drug cocaine. The Customs

Officers effected a search on the person of SAMUEL WISDOM and invited him to submit himself to an x-ray of his abdomen at the Mater Dei Hospital. Following this examination, it transpired that SAMUEL WISDOM was carrying inside his body seventy-eight capsules filled with circa 783.60 grams of the drug cocaine with its purity varying between 35% and 65% (as determined later by the Court appointed expert). This consignment of the drug cocaine was the subject matter of the abovementioned conspiracy. The street value of this drug as determined by the Court appointed expert amounted to between fifty two thousand five hundred and one Euro (€52,501) and seventy-eight two thousand one hundred and twenty one Euro (€82,121).

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, SAMUEL WISDOM 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 SAMUEL WISDOM that on the seventeenth (17th) November of the year two thousand and eight (2008), in Malta, and with criminal intent, he 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 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 of the accused, 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;

Filing of a guilty plea.

Having seen that in the sitting of the 19th September 2011 the accused, in reply to the question as to whether he was guilty or not guilty of all the charges preferred against him under the 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 after being granted such a time, persisted in his statement of admission of guilt;

Now therefore declares Samuel Wisdom guilty of all counts in the Bill of Indictment, namely of having:-

1. on the 17th November, 2008, and during the previous weeks and months, 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 (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 17th November, 2008 and during the previous days and weeks, with criminal intent, imported or exported, or caused to be imported or exported, or taken any steps preparatory to importing or exporting, any

dangerous drug (cocaine) into or from Malta in breach of the provisions of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta and this according to the Second Count of the Bill of Indictment;

3. on the 17th November, 2008 and during the previous days and weeks, with criminal intent, he 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 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 Third Count of the Bill of Indictment;

Witness summoned by the Defence.

Immediately after the accused pleaded guilty, the Court heard Superintendent Norbert Ciappara, a witness produced by the defence. Superintendent Norbert Ciappara was asked about the extent of the defendant's cooperation with the Police. Superintendent Norbert Ciappara referred to the day when an attempt was made to have a controlled delivery of the substance at a particular hotel in Paceville. The name had been supplied by the defendant who started to cooperate at about 3 in

the morning. At about 7 or 8 in the morning the defendant told the contact that he was ready. However, the controlled delivery was unsuccessful. The person involved appeared to be very cautious and he never approached the hotel room which 'was intended for him to approach to apprehend him.'

Under cross examination, when asked whether the defendant had at any time since his arraignment identified the persons who had given him the drugs or who had helped him to consume the capsules, the Superintendent replied in the negative. The defendant answered the phone, informed the person on the phone that he was ready and at the hotel as the police had instructed him and he gave the room number. The Superintendent also replied that the defendant does not hail from Nigeria but from Liberia. The Superintendent could not follow a successful investigation.

During the re-examination, the Superintendent showed him some photos of suspected Nigerians who were operating in Malta. When shown one of the photos he said that he resembled someone he knew. He always insisted that the capsules were given to him in The Netherlands.

Submissions of the Parties.

The defence submitted that the first two counts should be considered as being absorbed in the third count as has normally been done in other cases.

The defence referred to the punishment meted out in a judgment delivered on the 18th February 2011. It also submitted that the defendant had gone out of his way to cooperate with the Police and obeyed the instructions of the Police to the letter. In fact, he also gave the name of this contact. After all, the legislator is not only keen to bring to justice the importers of drugs but to control their contacts in Malta.

The Prosecution insisted that the defendant did not give any help at all. Three years down the line we do not know anybody who was connected with this importation of drugs. So article 29 does not apply at all. The Prosecution then referred to other cases where the amount was similar and hence the penalties meted out in these cases should be applied.

The Defence submitted that according to the wording of section 29 it is possible for the Court to conclude that section 29 applies. Once the defendant has done all he could to help the Police, he should benefit from section 29. It added that the judgments cited by the Prosecution may have been overtaken by the recent case law.

Considerations of the Court

First of all the Court went through the record of the compilation proceedings with a toothcomb. In particular it read the testimony of PS 1174 Adrian Sciberras and WPC 237 Antonella Vella. (pages 55 and 85 respectively). He testified as follows:

‘At about 11 am of the 17th, policemen who were escorting Samuel Wisdom called me and told me that the contact had been made and that the suspect who was supposed to collect the drug was coming there. The receptionist of the hotel informed us that a person was downstairs asking for Samuel Wisdom, room 442 and that the person was coming up to the room. When he heard the knock on the door, we opened it to apprehend this suspect who is still unknown to us and even Samuel Wisdom did not know his name. When we opened the door he was not in front of the door but about six metres away in the corridor. We ran towards him, tried to get hold of him but he got the upper hand and even threw two policemen who were with me away from him. He ran down the corridor where he found himself cornered. He tried to attack us again. Then I gave him the warning and when he tried to attack us again, I gave him a taser boost but it did not leave any

effect on him. He ran away and the only way out for him was to jump one storey down to the lobby reception from a balcony, an indoor balcony which gave to the lobby at the reception. He jumped one storey. When I looked down to see where he was, I saw him getting up and fleeing through the main door. We tried to chase him in the streets of Paceville but we could not find him.

The testimony of WPC Antonella Vella is in the same vein and need not be repeated.

Whether Article 29 should apply

The defence insists that article 29 should apply because the defendant had cooperated with the Police even if the controlled delivery exercise proved fruitless. The details in the testimony of PS 1174 Adrian Sciberras reveal why it proved impossible to arrest the suspect. However, case law about this point seems to point another way as the following two cases show.

Sitting in the Court of Appeal (Inferior Jurisdiction) on the 7th January 1999, Mr. Justice Vincent de Gaetano held that in Article 29 of Chapter 101, the expression 'has helped to apprehend the person or persons does not simply mean that the accused has indicated the person or persons who supplied him with the drugs, but that the information has really helped the executive police so that it could arraign the trafficker.' (Volume LXXXIII. Part IV page 185).

The second reference is to a case decided by the Court of Criminal Appeal in its Superior Jurisdiction on the 4th December 2003. In Republic versus Mohamed Mohamed Abusetta, the Court held:

'It appears to be clear that article 29 of Chapter 101 that a reduction in the penalty is only possible when the accused helps the executive police to arrest the person or persons who had provided it with the drugs.' (Volume LXXXVII Part IV page 142).

The circumstances of this case show that the 'alleged suspect' managed to escape. Furthermore during the past two years and ten months there was absolutely no contact between the Executive Police and the defendant.

Therefore the Court is deciding that article 29 of Chapter 101 does **not** apply.

Submissions on Penalty

As to the quantum of the penalty, the Court has examined the cases referred to by the parties and other cases to which it has access. First of all, many cases may be similar, but as the Court of Appeal has remarked in several other cases, they are not necessarily identical. There is a set of circumstances which determines the penalty. For example, the defence refers to a judgment of the Criminal Court of the 18th February 2011. But the same Court handed out a higher penalty on the 6th May 2011 for a lesser amount. In neither case was article 29 applicable. This only means that the Court had other points to consider and that each case has a different story. The Prosecution referred to cases going back to the 17th March 2003 and the 31st May 2004 respectively. In both cases section 29 applied. In each case there was a reference to the importation of heroin happening twice. The percentage of purity varied. Section 17(b) of Chapter 9 applied. Even the total amounts varied (1246.06 grammes and 748.9 grammes respectively). However, the Court rightly considered the facts in each case and then handed down the penalty. The Prosecution also referred to the case of the 19th September 2011 and it submitted that this was a case of 148 grammes of cocaine. Actually the penalty was applied to 148.50 grammes of cocaine **and 491.40 grammes of heroin and hence the case deals with a a different situation**

In practice the penalties meted out in cases which may be similar but not identical can indicate certain parameters but the Court will still have to consider the particular

circumstances of each case before making a final decision.

The Court, is going to take into consideration the early guilty plea filed by the accused. In fact, the accused had also pleaded guilty during the compilation of evidence. The Court also notes that the accused has a clean criminal record.

Application of Article 17(h) of Chapter 9

Having considered that, for purposes of punishment, the First and Second Counts of the Bill of Indictment regarding the crimes of conspiracy and importation respectively, should be absorbed in the offence of unlawful possession of drugs under circumstances which indicate that said drugs were not intended for the exclusive use of the offender, contemplated in the Third Count of the Bill of Indictment, as they served as a means to an end for the commission of the offence under the said Third Count of the Bill of Indictment in terms of Section 17 (h) of the Criminal Code (Chap.9) ;

Having considered local and foreign case law regarding a reduction in the punishment when the accused registers an early guilty plea, thereby avoiding useless work and expenses for the administration of justice (Vide “Ir-Repubblika ta’ Malta vs. Nicholas Azzopardi”, Criminal Court, [24.2.1997] ; “Il-Pulizija vs. Emmanuel Testa”, Court of Criminal Appeal, [7.7.2002] and BLACKSTONE’S CRIMINAL PRACTICE, (Blackstone Press Limited – 2001 edit.);

The Penalty

Having seen sections 2, 9, 10(1), 12, 14, 15A, 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 , articles 17(h), 23, 23A, 23B, 23C and 533 of the Criminal Code and regulation 9 of the 1939 Internal Control of Dangerous

Drugs (GN 292/1939) Regulations as subsequently amended now condemns Samuel Wisdom to a term of imprisonment of twelve (12) years and to the payment of a fine (multa) of twenty eight thousand Euros (€28,000) with a reduction of any term spent in preventive custody in connection with these offences. Should the fine not be paid in a month, then it should be converted into a term of imprisonment of fourteen months ¹in accordance with the law

Expenses in connection with the appointment of experts

In accordance with section 533 of the Criminal Court, the Court also condemns the defendant to pay the expenses due in connection with the appointment of the expenses which expenses amount to Euro 1,067.04 within one month from today. If the amount is not paid, then the sum due will be converted in a term of imprisonment in accordance with the law.

Confiscation

Furthermore orders that all objects related to the offences and all monies and other moveable and immovable property pertaining to the convicted should be confiscated in favour of the Government of Malta ;

Destruction of the Drugs

Finally the Court orders the destruction of all drugs under the direct supervision of the Deputy Registrar of this Court duly assisted by Court Expert Godwin Sammut, unless the Attorney General informs this Court within fifteen days from today that said drugs are to be preserved for the purposes of other criminal proceedings against third parties and, for this purpose, the Deputy Registrar should

¹ The fine (multa) is more than € 23,293.73 (hence more than 1 year) but considerably less than €69,881.20 which carries a maximum of 18 months.

Informal Copy of Judgement

enter a minute in the records of this case reporting to this Court the destruction of said drugs.

< Final Judgement >

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