



**CRIMINAL COURT**

**THE HON. MR. JUSTICE  
MICHAEL MALLIA**

Sitting of the 18 th January, 2012

Number 25/2011

**THE REPUBLIC OF MALTA**

**Versus**

**Scott Douglas Bell**

The Court,

Having seen the bill of indictment no. 25-2011 against the accused Scott Douglas Bell wherein he was charged with:

1) After the Attorney General premised in the First Count of the Bill of Indictment that Scott Douglas Bell, arrived in Malta on the 2<sup>nd</sup> of May 2010 with flight KM421 from Brussels. He was immediately arrested by the Police at the Malta International Airport on suspicion that he was carrying drugs. In fact a false bottom was discovered in his luggage hiding a packet full of substance suspected to be illegal.

A Magisterial Inquiry was held and an expert appointed to examine and determine the nature of the substance found confirmed, that such substance was heroine. In total Scott Douglas Bell carried from Brussels to Malta 948 grams of heroine the purity of which was 35%. According to the same expert the market value of such illegal substance was €43, 608.

The accused Scott Douglas Bell admitted that in February he left Tenerife from United Kingdom to visit his sister. From Tenerife he went to Rotterdam and there he met a guy called 'Tan' in a coffee shop. Tan asked the accused whether or not he was willing to earn some money by carrying a bag to a destination containing illicit substance. The accused Scott Douglas Bell accepted and they exchanged their contact numbers.

Then it was on the 2<sup>nd</sup> of May 2010 when the accused was contacted by Tan to confirm if he was still interested in making the delivery. The accused re-confirmed his willingness and soon they were setting up a plan. The final destination happened to be Malta.

The plan was simple. Tan agreed to accompany the accused from Rotterdam to Brussels Airport, to procure the airline ticket to Malta, to give him a mobile phone on which he could contact him and obviously to provide the illicit substance hidden as aforesaid described. On the other hand, the accused agreed to buy a new simcard, once in Malta to reside at La Vallette Hotel in St Julians and as soon as he passed the airport customs, he had to call Tan for further instructions. Both agreed as well that the accused had to keep wearing the same clothes in order to be recognized by the person who was supposed to collect the illicit substance.

Fortunately, the plan was disrupted by the Police when the accused was arrested. For this ordeal the accused Scott Douglas Bell was going to be paid the sum of €3 000.

By committing the abovementioned acts with criminal intent, Scott Douglas Bell, rendered himself guilty of conspiracy for the purpose of selling or dealing in a drug in these Islands in breach of the provisions of the Dangerous Drugs Ordinance or for having promoted, constituted, organized or financed the conspiracy.

Wherefore, the Attorney General, in the name of the Republic of Malta, on the basis of the facts and circumstances narrated above, accuses Scott Douglas Bell of being guilty of having, on the 12<sup>th</sup> May 2011 and the previous days, 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 (heroin) 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 demands that the accused be proceeded against according to law, and that he 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 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 under the circumstances indicated in the first count of the Bill of Indictment that is, after having agreed with Tan to import drugs in Malta, the accused Scott Douglas Bell, arrived in

Malta on the 2<sup>nd</sup> of May 2010 with flight KM421 from Brussels. Hidden under a false bottom of his luggage the accused imported an illegal substance. An expert appointed by the Inquiring Magistrate determined that the substance was heroine. In total Scott Douglas Bell carried from Brussels to Malta 948 grams of heroine the purity of which was 35%. According to the same expert the market value of such illegal substance was €43, 608.

The drug heroin is a dangerous drug specified and controlled under the provisions of Part I, First Schedule, of the Dangerous Drugs Ordinance.

By committing the abovementioned acts with criminal intent, Scott Douglas Bell rendered himself guilty of importing or cause to be imported or to take any steps preparatory to importing any dangerous drug (heroin) 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 Scott Douglas Bell, of being guilty of having, on the 2<sup>nd</sup> of May 2010, with criminal intent, imported or caused to be imported or taken any steps preparatory to importing any dangerous drug (heroin) into Malta in breach of the provisions of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta and demands 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 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 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, 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 under the circumstances indicated in the first count of the Bill of Indictment and specifically on the 2<sup>nd</sup> of May 2010, Scott Douglas Bell landed in Malta in possession of 948 grams of heroine the purity of which was 35%. This illegal substance which was hidden under a false bottom of his luggage had a market value of €43, 608. Such dangerous drug was not intended for his personal use but to be passed on to another person in Malta.

Heroine is a dangerous drug specified and controlled under the provisions of Part I, First Schedule, of the Dangerous Drugs Ordinance. That accused was no authorized to be in possession of such dangerous drugs in terms of Law.

Consequently by committing the abovementioned acts with criminal intent, Scott Douglas Bell rendered himself guilty of being in possession of a dangerous drug (heroin) 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 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, accuses Scott Douglas Bell guilty of having, on the 2<sup>nd</sup> of May 2010 been in possession of a dangerous drug (heroin) 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 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; demands 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 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 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 5<sup>th</sup> January, 2011, after declaring that they have reached an agreement in terms of article 453A(1) of the Criminal Code, humbly requested this Court that, in the event that the accused admits to all the charges proffered against him in the bill of indictment number 25/2011, the punishment to be awarded should consist of a term of imprisonment of eleven (11) years and the imposition of a fine of twenty thousand Euros (€20,000) together with the other sanctions and consequences 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, 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 proffered 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 Scott Douglas Bell guilty of all three counts in the Bill of Indictment, namely of having:-

1) on the 12<sup>th</sup> May 2011 and the previous days, 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 (heroin) 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 2<sup>nd</sup> of May 2010, with criminal intent, imported or caused to be imported or taken any steps preparatory to importing any dangerous drug (heroin) into 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 2<sup>nd</sup> of May 2010 been in possession of a dangerous drug (heroin) 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 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.



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 foretasted.

Having seen articles 2, 9, 10(1), 12, 14, 15A, 2 (1) (a) (f) (1A) (1B) (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.

Now therefore condemns the said Scott Douglas Bell to a term of imprisonment of eleven (11) years, and to the payment of a fine (multa) of twenty thousand Euros (€20,000), 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, and fifty eight Euros and seventy two cents (€ 1058.72) 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 favor 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 Scott Douglas Bell.

Informal Copy of Judgement

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.

**< Final Judgement >**

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