



MALTA

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

Sitting of the 11 th February, 2015

Number 26/2013

Bill of Indictment No: 26/2013

The Republic of Malta

Vs

Christopher Umeh

Today the 11th February, 2015,

The Court,

## Informal Copy of Judgement

Having seen the bill of indictment no. 26 of the year 2013 against the accused Christopher Umeh holder of Spanish ID card no E05225188/X6294182-W and Nigerian Passport no A2507531 wherein they was charged with:

In the FIRST COUNT of the bill of indictment whereby the Attorney General premised:

That, in July 2009, following confidential and reliable information about drug trafficking in a certain area in Qawra by African nationals, the Drug Squad Police conducted a surveillance operation in order to monitor the situation. The information received was primarily that drug activity was being held at a particular flat in *Robert's Court* which was situated in J. Quintinus Street, Qawra. Once on site, the Police noticed the accused Christopher Umeh entering the same block of flats and emerging shortly afterwards with a rucksack. The Police decided to stop him in order to investigate further, however the accused resisted the arrest and was violent towards the Police officers involved.

When the Police finally restrained the accused Christopher Umeh, a search was carried out in his rucksack and fifty (50) capsules, suspected of containing a dangerous drug, were found. Following this, the accused was then taken to his flat – Flat 8, Residence 97, *Robert's Court*, J. Quintinus Street, Qawra – and a search was conducted therein. Following this search, another twenty-five (25) capsules, also suspected of containing a dangerous drug, were found.

That, in the course of the proceedings before the Court of Magistrates, following examinations made by the Court-appointed experts, it resulted that the substance in the seventy-five capsules found in the accused Christopher Umeh's possession contained the dangerous drug Cocaine and that the total weight of such drug amounted to 754.9 grams. Its purity was that of approximately 35%. The Cocaine found carries an estimated street value of fifty seven thousand, three hundred and forty one Euro and twenty four cents (€57,341.24). This amount is in itself indicative that the illegal substance was too great to be intended merely for personal use.

Cocaine 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). Christopher Umeh was not in possession of any valid and subsisting import authorisation granted in pursuance of the said law.

## Informal Copy of Judgement

By committing the abovementioned acts with criminal intent, the accused Christopher Umeh rendered himself guilty of possession of a dangerous drug (Cocaine), being a drug specified and controlled under the provisions of Part I, First Schedule, of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta) when he was not in possession of any valid and subsisting import or possession authorization granted in pursuance of the said law, and with intent to supply, in that such possession was not for the exclusive use of the offender.

Wherefore, the Attorney General, in his capacity, accuses Christopher Umeh of, on the eight (8) July of the year two thousand and nine (2009) and during the previous days, having had in his possession a dangerous drug (Cocaine), being a drug specified and controlled under the provisions of Part I, 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 authorisation 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 authorised to manufacture or supply the mentioned drugs, and was not otherwise licensed by the President of Malta or authorised 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 was 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), which drug was found under circumstances denoting that it was not intended for his personal use; demands that the accused Christopher Umeh be proceeded against according to law, and that he be sentenced to the punishment of imprisonment for life and to fine of not less than two thousand three hundred and thirty Euro (€2330) and not more than one hundred sixteen thousand and five hundred Euro (€116,500), as is stipulated and laid down in sections 9, 10(1), 12, 14, 15(A), 20, 22(1)(a),(2)(a)(i),(3A)(a)(b)(c)(d) and 26 of the Dangerous Drugs Ordinance and regulation 4 and 9 of the 1939 Regulations for the Internal control of Dangerous Drugs (Legal Notice 292/39), and in sections 17, 18, 23 and 533 of the Criminal Code or to any other punishment applicable according to law to the declaration of guilt of the accused.

In the SECOND COUNT of the bill of indictment whereby the Attorney General premised:

That, in the course of the surveillance operation carried out by the Police, as mentioned in the First Count of this Bill of Indictment, the accused Christopher Umeh, without intent to kill or to put the life of PS 1086 Johann Micallef, WPC 127 Carmen Gauci and PS 1220 Chris Baldacchino in manifest jeopardy, caused them slight bodily harm.

## Informal Copy of Judgement

When Police Officers PS 1086 Johann Micallef, WPC 127 Carmen Gauci and PS 1220 Chris Baldacchino proceeded to stop the accused Christopher Umeh in J. Quintinus Street, Qawra to investigate him for drug-related offences, the accused Christopher Umeh turned violent, resisted the officers, and, without intent to kill or to put the life of the said Police Officers (PS 1086 Johann Micallef, WPC 127 Carmen Gauci and PS 1220 Chris Baldacchino) in manifest jeopardy, caused them bodily harm consisting of slight injuries.

By committing the abovementioned acts with criminal intent, the accused Christopher Umeh rendered himself guilty of having on the eight (8) July of the year two thousand and nine (2009), without intent to kill or to put the life of PS 1086 Johann Micallef, WPC 127 Carmen Gauci and PS 1220 Chris Baldacchino in manifest jeopardy, caused them slight bodily harm, as certified by Dr J. Saliba from the Mosta Health Centre.

Wherefore, the Attorney General, in his capacity, accuses Christopher Umeh of having on the eight (8) July of the year two thousand and nine (2009), without intent to kill or to put the life of PS 1086 Johann Micallef, WPC 127 Carmen Gauci and PS 1220 Chris Baldacchino in manifest jeopardy, caused them slight bodily harm; demands that the accused Christopher Umeh be proceeded against according to law, and that he be sentenced to the punishment of imprisonment of four months, as is stipulated and laid down in sections 17, 31, 214, 215, 221(1) and 222(1)(c) of the Criminal Code or to any other punishment applicable according to law to the declaration of guilty of the accused.

In the THIRD COUNT of the bill of indictment whereby the Attorney General premised:

That, in the course of the surveillance operation carried out by the Police, as mentioned in the First and Second Counts of this Bill of Indictment, the accused Christopher Umeh, reviled, threatened or caused bodily harm to PS 1086 J. Micallef, WPC 127 C. Gauci and PS 1220 C. Baldacchino, persons lawfully charged with a public duty, while in the act of discharging their duty or because of them having discharged such duty, or with intent to intimidate or unduly influence them in the discharge of such duty.

When Police Officers PS 1086 Johann Micallef, WPC 127 Carmen Gauci and PS 1220 Chris Baldacchino proceeded to stop the accused Christopher Umeh in J. Quintinus Street, Qawra to investigate him for drug-related offences, the accused Christopher Umeh turned violent, resisted the officers, and, without intent to kill or to put the life of the said Police Officers (PS

## Informal Copy of Judgement

1086 Johann Micallef, WPC 127 Carmen Gauci and PS 1220 Chris Baldacchino) in manifest jeopardy, caused them bodily harm consisting of slight injuries.

By committing the abovementioned acts with criminal intent, the accused Christopher Umeh rendered himself guilty of having on the eight (8) July of the year two thousand and nine (2009), reviled, threatened or caused bodily harm to PS 1086 J. Micallef, WPC 127 C. Gauci and PS 1220 C. Baldacchino, persons lawfully charged with a public duty, while in the act of discharging their duty or because of them having discharged such duty, or with intent to intimidate or unduly influence them in the discharge of such duty.

Wherefore, the Attorney General, in his capacity, accuses Christopher Umeh of having on the eight (8) July of the year two thousand and nine (2009), reviled, threatened or caused bodily harm to PS 1086 J. Micallef, WPC 127 C. Gauci and PS 1220 C. Baldacchino, persons lawfully charged with a public duty, while in the act of discharging their duty or because of them having discharged such duty, or with intent to intimidate or unduly influence them in the discharge of such duty; demands that the accused Christopher Umeh be proceeded against according to law, and that he be sentenced to the punishment of imprisonment of four years, as is stipulated and laid down in sections 17, 31, 91 and 95 of the Criminal Code or to any other punishment applicable according to law to the declaration of guilty of the accused.

In the FOURTH COUNT of the bill of indictment whereby the Attorney General premised:

That, in the course of the surveillance operation carried out by the Police, as mentioned in the First, Second and Third Counts of this Bill of Indictment, the accused, assaulted or resisted by violence or active force not amounting to public violence PS 1086 J. Micallef, WPC 127 C. Gauci, PS 1220 C. Baldacchino and PC 777 C. Ebejer, persons lawfully charged with a public duty when in the execution of the law or of a lawful order issued by a competent authority.

When Police Officers PS 1086 Johann Micallef, WPC 127 Carmen Gauci and PS 1220 Chris Baldacchino proceeded to stop the accused Christopher Umeh in J. Quintinus Street, Qawra to investigate him for drug-related offences, the accused Christopher Umeh turned violent, resisted the officers, and, without intent to kill or to put the life of the said Police Officers (PS 1086 Johann Micallef, WPC 127 Carmen Gauci and PS 1220 Chris Baldacchino) in manifest jeopardy, caused them bodily harm consisting of slight injuries.

## Informal Copy of Judgement

By committing the abovementioned acts with criminal intent, the accused Christopher Umeh rendered himself guilty of having on the eight (8) July of the year two thousand and nine (2009), assaulted or resisted by violence or active force not amounting to public violence PS 1086 J. Micallef, WPC 127 C. Gauci, PS 1220 C. Baldacchino and PC 777 C. Ebejer, persons lawfully charged with a public duty when in the execution of the law or of a lawful order issued by a competent authority.

Wherefore, the Attorney General, in his capacity, accuses Christopher Umeh of having on the eight (8) July of the year two thousand and nine (2009), assaulted or resisted by violence or active force not amounting to public violence PS 1086 J. Micallef, WPC 127 C. Gauci, PS 1220 C. Baldacchino and PC 777 C. Ebejer, persons lawfully charged with a public duty when in the execution of the law or of a lawful order issued by a competent authority; demands that the accused Christopher Umeh be proceeded against according to law, and that he be sentenced to the punishment of imprisonment of one year, as is stipulated and laid down in sections 17, 31, and 96(a) of the Criminal Code or to any other punishment applicable according to law to the declaration of guilty of the accused.

Having seen the joint application of the Attorney General and accused Christopher Umeh, whereby the applicants, while 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 Christopher Umeh admits all the charges proffered against him in the bill of indictment, the punishment to be awarded by this same honourable Court will consist of a term of imprisonment of eight (8) years and the imposition of a fine of twenty-three thousand Euros (€23,000) together with the other sanctions and consequences that are mandatory 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 Medical and Kindred Professions Ordinance, Chapter 31 of the Laws of Malta including the confiscation of any monies and other movable and immovable property of the accused in accordance to law.

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;

## Informal Copy of Judgement

Having seen that in today's sitting the accused Christopher Umeh, in reply to the question as to whether he was guilty or not guilty of the charges preferred against him under the five 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 ample 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;

Declares Christopher Umeh guilty of all four counts in the Bill of Indictment, namely:-

1. Of possession of a dangerous drug (Cocaine), being a drug specified and controlled under the provisions of Part I, First Schedule, of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta) when he was not in possession of any valid and subsisting import or possession authorization granted in pursuance of the said law, and with intent to supply, in that such possession was not for the exclusive use of the offender.
2. On the eight (8) July of the year two thousand and nine (2009), without intent to kill or to put the life of PS 1086 Johann Micallef, WPC 127 Carmen Gauci and PS 1220 Chris Baldacchino in manifest jeopardy, caused them slight bodily harm, as certified by Dr J. Saliba from the Mosta Health Centre.
3. Of having on the eight (8) July of the year two thousand and nine (2009), reviled, threatened or caused bodily harm to PS 1086 J. Micallef, WPC 127 C. Gauci and PS 1220 C. Baldacchino, persons lawfully charged with a public duty, while in the act of discharging their duty or because of them having discharged such duty, or with intent to intimidate or unduly influence them in the discharge of such duty;
4. Of having on the eight (8) July of the year two thousand and nine (2009), assaulted or resisted by violence or active force not amounting to public violence PS 1086 J. Micallef, WPC 127 C. Gauci, PS 1220 C. Baldacchino and

## Informal Copy of Judgement

PC 777 C. Ebejer, persons lawfully charged with a public duty when in the execution of the law or of a lawful order issued by a competent authority.

Having seen articles:

9, 10(1), 12, 14, 15(A), 20, 22(1)(a),(2)(a)(i),(3A)(a)(b)(c)(d) and 26 of the Dangerous Drugs Ordinance and regulation 4 and 9 of the 1939 Regulations for the Internal control of Dangerous Drugs (Legal Notice 292/39), and in sections 17, 18, 23, 31, 91, 95, 96(a), 214, 215, 221(1) and 533 of the Criminal Code.

The Court feels that in this case it should adhere to the Attorney General and the accused's application and therefore condemns the said Christopher Umeh to a term of imprisonment term of eight (8) years and the imposition of a fine of twenty-three thousand Euros (€23,000), which fine (multa) shall be converted into a further term of imprisonment of one year according to Law, in default of payment;

Furthermore condemns him to pay the sum of one thousand, seven hundred and twelve Euros and seventy-five cents (€1712.75) 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;

Moreover, 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 Christopher Umeh.

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

## Informal Copy of Judgement

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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