



**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE**

MAGISTRATE NATASHA GALEA SCIBERRAS B.A., LL.D.

Case Number: 68/2016

Today, 11th May 2016

**The Police
(Inspector Jonathan Cassar)**

vs

Daniel Iguma

The Court,

After having seen the charges brought against the accused Daniel Iguma, 25 years of age, son of Iguma and Miriam nee` Comfort, born in Benin City, Nigeria on 23rd December 1989, residing at LayLay Complex, 6, Triq in-Nadur, M`Scala and holder of Italian Travelling Document No 049161;

Charged with having on 5th March 2016 and in the previous months on these Islands:

- 1) Produced, sold or otherwise dealt in the resin obtained from the plant cannabis, or any preparation of which such resin formed the base, in terms of Section 8(b) of Chapter 101 of the Laws of Malta;
- 2) Had in his possession (otherwise than in the course of transit through Malta of the territorial waters thereof) the resin obtained from the plant cannabis, or another other preparation of which such resin formed the base, in terms of Section 8(a) of Chapter 101 of the Laws of Malta;

- 3) Committed these offences in, or within 100 metres of the perimeter of a school, youth club or centre, or such other place where young people habitually meet in breach of Article 22(2) of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta.

The Court was requested to apply Section 533(1) of Chapter 9 of the Laws of Malta, as regards the expenses incurred by the Court appointed experts.

Having heard the evidence and having seen the records of the case, including the order of the Attorney General in virtue of subsection two (2) of Section 22 of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta), for this case to heard by this Court as a Court of Criminal Judicature;

Having heard the accused plead guilty to the first charge brought against him during the sitting held on 15th April 2016, which guilty plea was confirmed by the accused after the Court in terms of Section 453(1) of the Criminal Code, explained to him the consequences of such plea and also gave him sufficient time to reconsider the said plea and retract it;

Having also heard the accused plead guilty to the second and third charges brought against him during the sitting held on 27th April 2016, which guilty plea was confirmed by the accused after the Court, in terms of Section 453(1) of the Criminal Code explained to him the consequences of such plea and gave him sufficient time to reconsider said plea and retract it;

Having heard final oral submissions by the defence regarding the punishment to be inflicted

Considered that:

In view of the guilty plea filed by the accused and also in the light of the evidence tendered by the Prosecution, the Court cannot but find the accused guilty of the charges brought against him.

For the purposes of the punishment to be inflicted, the Court is taking into consideration the clean criminal record of the accused, whilst also noting however that from his statement it results that he had only been in Malta for a period of three months and the fact that he registered a guilty plea during the early stages of these proceedings. The Court is further taking into consideration that from the statement of the accused, it also results that on the night of his arrest, he had sold a

piece of cannabis to a third party for the price of €10. Furthermore, it also results from the said statement that the accused had been smoking cannabis block (namely, cannabis resin) since he came to Malta. The Court is also considering in respect of the first charge, that the punishment to be inflicted must be increased by one degree due to the aggravating circumstances, of which the accused is also being found guilty, having sold the said cannabis in Paceville on the said night.

The Court is also applying the provisions of Section 17(h) of Chapter 9 of the Laws of Malta in respect of the first and second charges brought against the accused.

Conclusion

For these reasons, the Court after having seen Sections 8(a), 8(b), 22(1)(a), 22(2)(b)(i) and (ii), the second proviso to Section 22(2)(b) of Chapter 101 of the Laws of Malta, Regulations 4 and 9 of Subsidiary Legislation 101.02 and Section 17(h) of Chapter 9 of the Laws of Malta, finds the accused guilty of the charges brought against him and condemns him to **ten (10) months effective imprisonment** – from which term one must deduct the period of time, prior to this judgement, during which the accused has been kept in preventive custody in connection with the offences of which he is being found guilty by means of this judgement – and **a fine (multa) of eight hundred Euros (€800)**.

Since the expert appointed during these proceedings had not as yet carried out his analysis of the substance exhibited, the Court is not taking any further note of the request made by the Prosecution in terms of Section 533 of Chapter 9 of the Laws of Malta.

The Court orders that the substance exhibited as Document JC9 is destroyed, once this judgement becomes final, under the supervision of the Registrar, who shall draw up a *proces-verbal* documenting the destruction procedure. The said *proces-verbal* shall be inserted in the records of these proceedings not later than fifteen days from the said destruction.

Furthermore, the Court orders that mobile phone exhibited and marked as Document JC7 is released in favour of Daniel Iguma.

Natasha Galea Sciberras
Magistrate