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

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

Case Number: 72/2015

Today, 7th September 2016

The Police
(Inspector Gabriel Micallef and Inspector Spiridione Zammit)

vs

Mumen Traore sive Mumin Trabule`
(ID 43874(A))

The Court,

After having seen the charges brought against the accused Mumen Traore sive Mumin Trabule`, age 35, son of Jibrid and Oussa, born in Ivory Coast on 1st January 1980, residing at 92, Ruby, Flat 5, Triq il-Lampuki, St. Paul's Bay, holder of Maltese Identity Card number 43874(A) and Police number 06X-039;

Accused with having on these islands on 10th March 2015:

a. (Following a correction authorised by the Court as per its decree of 8th June 2016) Had in his possession the drugs (heroin) specified in the First Schedule of the Dangerous Drug 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 (GN 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 (GN 292/1939) as subsequently amended by the Dangerous Drugs Ordinance Chapter 101 of the Laws of Malta;

b. And for rendering himself recidivist following a judgement delivered by the Criminal Court of Appeal (Hon. Michael Mallia) on 15th March 2012, which decision is final;

c. And for having without lawful authority, introduced or attempted to introduce into any part of the precincts of a prison any article whatsoever or conveyed or attempted to convey any such article out of any prison, or introduced or sought to be introduced into a prison as aforesaid any drug which is a dangerous drug under the Dangerous Drugs Ordinance, or which is a drug controlled by regulations made under the Medical and Kindred Professions Ordinance as per Article 7(1)(2) of Chapter 260 of the Laws of Malta;

d. Failed to observe the conditions imposed on him by the Magistrate's Court with which he was granted bail under a guarantee under the provisions of Article 579 of the Criminal Code.

The Court was also requested to apply Section 533(1) of Chapter 9 of the Laws of Malta as regards the expenses incurred by 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 not guilty to the charges brought against him;

Having heard final oral submissions by the parties.

Considered that:

<u>Considerations on Guilt</u>

The facts in brief which led to this case and which are not being contested are as follows: On 9th March 2015, the accused was arraigned before the Court under arrest and was granted bail. He was taken back to prison and on the following day, 10th March 2015, he was escorted to the Law Courts in order to sign the relative bail conditions. Upon being escorted once again to prison and searched upon his arrival there, he was found to be in possession of a small blue plastic bag, which contained a substance, suspected, at that stage in time, to be cannabis grass.

The *proces verbal* of the inquiry dealing with this case refers to the "*sejba ta' borza zghira tal-plastic b'weraq suspettat weraq tal-cannabis fuq il-persuna ta' Traore Mumen ta' nazzjonalita` Nigerjana u detentur tal-karta tal-identita` numru 43874(A), fil-habs irrapurtata fl-10 ta' Marzu, 2015*"[1] and so does the report of the Investigating Officer to the Inquiring Magistrate[2].

According to the report drawn up by expert Godwin Sammut[3], on 11th March 2015, he was given one document by Inspector Spiridione Zammit, consisting of an evidence bag bearing number S00512757 containing a piece of plastic, blue in colour, which contains a brown substance – "*trab ta' lewn kannella*". In terms of the said report, heroin was found on an extract taken from the said substance. The weight of the substance was 0.34 grams and the purity was of circa 15%.

In his testimony, the accused states that the substance found in his possession was cannabis and that such substance had been in his possession since the time of his arrest, prior to his arraignment in court on 9th March 2015. In view of these discrepancies, between on the one hand, the initial report of the Investigating Officer to the Inquiring Magistrate and the resulting *proces verbal* and on the other hand, the findings of expert Godwin Sammut, the defence in its final oral submissions, argued that there are doubts as to the nature of the substance that was actually found in the accused's jacket upon his re-entry into prison on 10th March 2015 and also questioned whether there had been a change of substance between its finding and its subsequent analysis.

The Court notes that in his testimony, CO 36 Maurizio Scerri[4] states that on 10th March 2015, at about 1.30 p.m., whilst conducting a search on the accused, he found a small blue plastic bag in a pocket, inside his jacket. He further states that

[1] *Vide* a fol. 80 of the records of the case.
[2] A fol. 86 of the records.
[3] *Vide* a fol. 112 of the records.
[4] A fol. 145 *et seq* of the records.

he did not know what this bag contained, but he recognised the said plastic bag found in possession of the accused as the bag photographed in the report drawn up by PS 1392 Kevin Buhagiar, who had been appointed as Scene of the Crime Officer by the Inquiring Magistrate and who, in his report, states to have taken the said photographs in the office of Inspector Gabriel Micallef on 10th March 2015 at about 3.45 p.m., in the presence of said Inspector Micallef and Inspector Spiridione Zammit – the two Prosecuting Officers in this case.[5] CO 36 Maurizio Scerri also states that the said bag was placed in an evidence bag bearing number S00512757 and sealed in the presence of the accused and also in his presence, though he could not remember who had actually placed the blue bag in the evidence bag. He further states that he had informed CO 58 about this finding, that together, they continued searching the accused and that the bag was handed over to PS 590. On his part, CO 58 Damien Magro[6] states that he received a phone call from CO 36, who told him that he had found a suspicious object in the accused's jacket, that he then searched the accused with CO 36 and that he had seen the suspicious object which was wrapped in blue plastic. He states that he placed it in an evidence bag S00512757 and that in his presence, it was handed over to PS 590. He also identified the evidence bag which he refers to in his testimony as the one shown in the photographs a fol. 96 of the records and his signature on the said evidence bag. CO 116 Helenio Galea states that he was informed of the finding by the officer at the main gate, he went to check what had happened and gave the officers evidence bags and also took photographs of the small bag, which had been found.[7] The witness exhibited the said photographs a fol. 176 of the records, which photographs show a small piece of blue plastic containing a substance and the said plastic in an evidence bag numbered S00512757. On his part, PS 590 Ian Grima states that at around 2.00 p.m., Paola Police Station was informed by CCF that a suspicious substance had been found on a male on his re-entry into prison from the Law Courts, that he took the relative report from CO 36 and that he also spoke to the accused. He also states that he was handed over the said substance by either CO 36 or CO 58, who were the two Correctional Officers involved in this case and it was handed over by him to Inspector Gabriel Micallef at the latter's office, where the accused was also taken.[8] It also results that Inspector Micallef and Inspector Spiridione Zammit (the two Prosecuting Officers in this case), interrogated the accused on the same day at 15.52 p.m. in the office of Inspector Micallef and during the said interrogation, they refer to "*<u>this</u> blue packet in your*

[5] *Vide* photographs a fol. 96 of the records.
[6] A fol. 159 *et seq* of the records.
[7] A fol. 140 *et seq* of the records.
[8] A fol. 195 *et seq* of the records.

pocket"[9] to which the accused replied that it is not his and that he did not put it in his jacket. In his report to the Inquiring Magistrate dated 10th March 2015, Ispector Zammit refers to the object found as having been preserved in evidence bag number S00512757.[10] In his report, expert Godwin Sammut indicates that he was handed over a document for analysis by Inspector Spiridione Zammit on 11th March 2015 and that this document consisted of an evidence bag with number S00512757 containing a piece of blue plastic which contained a brown substance ("*trab ta' lewn kannella*"). In his testimony, the accused is shown the photographs exhibited a fol. 176 *et seq* of the records and confirms that the bag found in his possession was indeed a blue bag.

In view of the resulting evidence, as indicated in the preceding paragraph, the Court has no doubt that the small blue plastic bag containing a suspicious substance found in the possession of the accused upon his re-entry into prison was the same piece of blue plastic containing a brown substance, namely heroin, that was handed over to and analysed by expert Godwin Sammut. The Court further notes that in this case, the plastic which contained the said substance was blue and the content thereof not immediately obvious as would have been the case if the bag was completely transparent and that upon its finding, within a short period of time, the said object was placed in an evidence bag by the Correctional Officers involved in the case. Due consideration must also be given to the fact that the object in issue was very small in size as can be seen from the photographs exhibited a fol. 176 *et seq* of the records. The Court therefore finds absolutely no reason to doubt that the object found in possession of the accused was the object eventually analysed by the mentioned expert and that this contained heroin and not cannabis as originally suspected.

It therefore results clearly from the evidence adduced that on 10th March 2015, upon his re-entry into prison, the accused had heroin in his possession.

In its submissions, however, the defence further questions the knowledge and voluntariness of possession of drugs on the part of the accused and submits that on the basis of the accused's testimony, there is reasonable doubt that he had the intent required at law to introduce or attempt to introduce an illicit substance into prison.

[9] A fol. 36 of the records.
[10] A fol. 86 of the records. In his testimony, Inspector Zammit confirms that he submitted the said report to the Inquiring Magistrate Dr. Aaron Bugeja (a fol. 129 of the records).

The Court notes that during his interrogation[11], after he had been cautioned that he had the right to remain silent and that whatever he stated may be adduced as evidence and furthermore, after he was also given the right to obtain legal advice prior to his interrogation and following consultation with his lawyer, the accused denied that the blue plastic bag found in his possession was his and also denied putting it in his jacket. He stated that he knew nothing about it and denied that anyone had given him anything. He answered most of the questions asked with "*I don't know*"[12] and stated that he had seen the said object for the first time in prison, upon being searched.

On the other hand, in his testimony[13], the accused states that upon being searched on his re-entry into prison after he had been escorted to the Law Courts, cannabis was found in his possession. He states that he knows it was cannabis, that said cannabis had been in his possession since his arrest (and therefore before his arraignment in court on 9th March 2015), that although he had been searched at Police Headquarters upon his arrest, the said substance had not been found, and that being a small piece of cannabis, he had forgotten it in his jacket, therefore not being aware that it was in his possession upon entering prison. The accused further states that he had bought one gram of cannabis a day prior to his arrest, that he had smoked one joint from said cannabis and he had placed the remainder in his jacket. He also states that he was not searched in prison upon his admission, following his arraignment in court.

The Court has made the following considerations regarding the accused's statement and deposition: The accused initially denies any knowledge regarding the substance in his possession and also denies placing it in his jacket. On the other hand, in his testimony, he states that he had bought cannabis on the day before his arrest and that subsequently, he had forgotten it in his jacket. Yet, this is in direct conflict with the evidence adduced by the Prosecution that the substance found in his possession was not cannabis, but rather heroin. This in itself renders the version of the accused as devoid of any credibility. To this, the Court must add that despite the fact that the accused obtained legal advice prior to his questioning, yet in his statement, he failed to mention this crucial fact – namely that the substance found in his jacket had been in his possession prior to his arrest and that he had forgotten about it – on which he bases his defence. This is clearly a fact which in the circumstances existing at the time, the accused could reasonably have been expected to mention when so questioned and thus in terms of Section

[11] A fol. 36 *et seq* of the records.
[12] A fol. 36A.
[13] A fol. 205 of the records.

355AU(2) of the Criminal Code, the Court may draw such inferences from such failure, as appear proper. It is clear to the Court, in this case, that the accused is not a credible witness and that his version during his testimony is devoid of truth. As to the submissions made by the defence that the accused testified in this case almost a year and a half after this incident, implying therefore that the accused could have forgotten that the substance he was carrying was heroin and not cannabis, the Court finds this suggestion as utterly unfounded. Indeed, as already stated, his questioning took place a day after his arraignment on 9th March 2015, which implies that his arrest could not have taken place before 7th March 2015 and that he would not have allegedly bought the substance to which he refers in his testimony before 6th March 2015 and therefore a mere four days prior to the events that led to this case. After such a short period of time, it is very doubtful and highly unlikely that the accused would not have remembered acquiring the substance found in his possession on 10th March 2015, during his questioning on the same day. Furthermore, the accused does not only indicate the wrong substance in his testimony by stating that he had cannabis rather than heroin in his possession, but goes as far as providing a number of details, namely that he had bought said cannabis on the day prior to his arrest, that he had bought a gram and even that he had smoked a joint from the said gram and left the remainder in his pocket. Thus, even if for the sake of argument alone, the Court had to accept the defence's suggestion that the accused had genuinely forgotten the nature of the substance acquired, when giving his testimony, yet this would not explain the other details provided by the accused, in particular the fact that he smoked a joint; joints being normally associated with cannabis and certainly not heroin. Furthermore, it seems also very contradictory to the Court that after almost a year and a half, the accused would have forgotten the nature of the substance acquired and yet remember precisely when he acquired it, its weight and how many joints he had actually smoked from the same. It also seems very unlikely to the Court that had the accused bought such substance a day prior to his arrest – and therefore not months, weeks or even days before – he would have forgotten about such substance by the next day and then the days that followed, particularly when upon his arrest which led to his arraignment on 9th March 2015, he was subjected to a search at Police Headquarters and according to him, such substance was not found during this search.

In its judgement delivered on 23rd June 1997, in the names **Il-Pulizija vs John Borg**, the Court of Criminal Appeal held that:

"*Dwar x'jammonta ghal pussess ghall-finijiet tal-ligi in dizamina, din il-Qorti diga` kellha l-opportunita` li telabora dwaru fis-sentenza taghha tal-21 ta'*

Ottubru, 1996, fil-kawza fl-ismijiet Il-Pulizija v. Seifeddine Mohamed Marshan. F'dik is-sentenza din il-Qorti osservat li l-presenza ta' oggett f'post (dar, karozza, kamra, ecc.) li fuqu persuna ghandha xi forma ta' kontroll tista', taht certi cirkustanzi, tammonta ghal pussess ta' dak l-oggett; u jekk dak l-oggett jirrisulta bhala fatt li hu droga li taqa' taht il-Kap. 101, allura l-ligi tippresumi, salv prova kuntrarja imqar fuq bazi ta' probabilita`, li l-pussessur kien jaf li dak l-oggett kienet droga (ara wkoll P. v. Charles Clifton, App. Krim., 5 ta' Lulju, 1982)."

Furthermore, in its judgement of 16th February 1998 in the names **Il-Pulizija vs Maizuki Hachemi Beya, bint Abdellatif**, the Court of Criminal Appeal stated as follows:

"*Il-ligi taghna, kemm ghal dak li jirrigwarda l-pussess kif ukoll ghal dak li jirrigwarda l-importazzjoni ta' droga, ma tuzax il-kelma "xjentement", fi kliem iehor il-ligi titkellem dwar minn "ikollu fil-pussess tieghu" (artikolu 8(a)(c), Kap 101) "ikun fil-pussess" (regola 8, A.L. 292/1939), "jimporta" (artikolu 15A (1), Kap 101) u mhux dwar min "xjentement ikollu fil-pussess tieghu", "xjentement ikun fil-pussess" jew "xjentement jimporta". Ghalkemm il-legislatur f'dawn id-disposizzjonijiet ma juzax il-kelma "xjentement", hu evidenti li hawn si tratta ta' reati doluzi u mhux semplicement ta' reati kolpuzi. Il-legislatur ma riedx jikkolpixxi lil min, per ezempju, ad insaputa tieghu jitqieghdlu xi droga fil-bagalja tieghu u dan jibqa' diehel biha f'Malta. Mill-banda l-ohra, b'applikazzjoni ta' l-artikolu 26(1) tal-Kap. 101, persuna li tkun fil-pussess ta' droga jew li tkun dahhlet droga f'Malta hi presunta li kienet fil-pussess jew dahhlitha xjentement, jigifieri li kienet taf bl-ezistenza ta' dak l-oggett, li dak l-oggett hu droga, u ghalhekk li kienet taf li kienet fil-pussess jew li kienet qed iddahhal id-droga, salv prova (imqar fuq bazi ta' probabbilita`) kuntrarja, u salv il-limitazzjoni ghal tali prova skond l-artikolu 26(2) ta' l-imsemmi artikolu 26 (ara, f'dan is-sens, is-segwenti sentenzi: P vs Charles Clifton, 5/7/82, P vs Martin Xuereb, 20/9/96, P vs Seiffedine Mohamed Marshan, 21/10/96, u P vs John Borg, 23/6/97, kollha appelli kriminali).*"

As already stated above, the Court does not find the accused credible and his version certainly does not refute, even to a degree of probability, voluntariness and knowledge on his part of being in possession of heroin upon his re-entry into prison.

Furthermore, the Court also considered that Inspector Gabriel Micallef testified about the procedure upon admission of an arrested person at the General Headquarters and also upon admission into prison. Indeed, he states that an

arrested person is strip searched both upon his admission at the General Headquarters and also upon being admitted to prison. This means that the accused would have been subjected to two separate strip searches before 10th March 2015, namely first upon his arrest and prior to his arraignment in court on 9th March 2015 and secondly, upon his admission into prison on 9th March 2015, following his arraignment. In his testimony, the accused denies that he had been subjected to this second search and yet, apart from the fact that the Court does not deem the accused as a credible witness, not only did the defence not cross-examine Inspector Micallef on this matter, but Inspector Micallef's assertion is corroborated by the fact that the accused was indeed strip searched upon his re-entry into prison on 10th March 2015, even though he had been subjected to a rub down search a mere two hours earlier, upon his leaving prison. Although CO 36 Maurizio Scerri does not specifically state that the accused was strip searched on his way into prison, yet this is clear from the fact that first of all said CO 36 refers to the first search which he conducted by distinguishing it as a rub down search rather than a strip search and secondly, also from the fact that he was then assisted by CO 58 to continue searching the accused upon his re-entry into prison, whereas a simple rub down search would not entail such assistance.

Furthermore, Regulation 6(1) of the Prison Regulations stipulates that "*Every prisoner, on admission to a prison and thereafter whenever deemed necessary, shall be searched in such manner and by such prison officials as the Director deems fit*" [Court's emphasis]. Regulation 6(2) then provides that "*The searching of a prisoner shall be conducted with due regard to decency and self-respect and in as seemly a manner as is consistent with the necessity of discovering any concealed article*". The Prisons Act (Chapter 260 of the Laws of Malta), in Section 2, defines a prisoner as "*any person who is confined in any prison*". This is directly opposed to the accused's version that he had not been searched upon his admission into prison on 9th March 2015.

Thus, without any prejudice to the Court's considerations above, even if for the sake of argument alone, the Court had to give weight to the defence's suggestion that the accused had genuinely forgotten the nature of the substance during his testimony, these considerations further discredit the version of the accused since this would imply that, presumably, the drug already in his possession was not found despite two strip searches, but then was readily found upon the third strip search conducted on 10th March 2015.

Furthermore, the Court also considered the defence's submission that since the accused testified to having slept in a prison dormitory and that he had removed his

jacket in order to sleep, it is possible that the drug was placed in the accused's jacket whilst he was asleep. Yet, apart from the fact that the defence itself refers to such event merely as a possibility and further on in its submissions even declares that this is doubtful, there is no evidence – at least to a degree of probability – which suggests this claim. It is worth noting that not even the accused himself made such claim in his testimony, but relied instead on another line of defence which lacks credibility and which was rebutted by other resulting evidence.

Finally, the defence further submitted that once the accused had paid the relative deposit ordered by the Court in order to be granted bail and had also signed the bail conditions granted on the previous day, he should have been released forthwith and that therefore, he should not have been escorted back to prison. According to the defence this is tantamount to illegal arrest and once the accused was forcibly taken to prison, notwithstanding the fact that he had signed the bail conditions and paid the relative deposit, he cannot be found guilty of the third charge brought against him. In this respect, the Court does not agree with the defence. Once the person accused, who is under arrest, signs the bail conditions, this does not automatically entitle him to be released on bail, unless he satisfies all the bail conditions. The fact that the accused signs his bail conditions merely signifies his acceptance thereof. It is a known procedure that bail deposits are paid at the Law Courts and it is the Deputy Registrar, assigned to the Magistrate presiding the Court that grants bail (in case of the Inferior Courts), who informs the prison authorities that such person may be released on bail once he/she confirms that all bail conditions have been complied with. Apart from the payment of a deposit, the Court may, for instance, order, as it generally does, that the accused deposits his passport and/or identity card in the records of the case, and his release would be subject also to such condition. It is clear that prison authorities depend upon information provided by authorised court officers in order to be able to release the person detained on bail. This is not to say that once bail conditions have been satisfied, a person should continue to be detained unnecessarily, but it is necessary and legitimate for prison authorities to first ensure that bail conditions have been complied with before releasing a person from custody. Regulation 7(1) of the Prison Regulations stipulates that a register of every admission and release from prison shall be kept by the Director of Prisons or any prison officer authorised by him for this purpose, which implies that once a person is admitted into prison, he must also be subsequently released from prison, once the conditions for such release subsist. The said Regulations lay down the procedures to be adopted upon a person's admission into prison and other rules dealing with matters concerning such person's stay in prison. In the same manner that the Director of Prisons is responsible for ensuring that the proper procedures are complied with upon a

person's admission and stay in prison, so it is ultimately his responsibility to oversee the release of a person from prison once an order for his release is given.

In view of the above considerations, the Court concludes that the first and third charges have been proved to the degree required by law.

In terms of the second charge, the Court is being requested to deal with the accused as a recidivist following a judgement delivered by the Criminal Court of Appeal as presided by Hon. Michael Mallia on 15th March 2012, which decision is final. The Court notes that the Prosecution failed to exhibit a true copy of the mentioned judgement and this charge therefore has not been proved in terms of law.

Finally, in terms of the fourth charge, the accused has also been charged with having failed to observe the bail conditions imposed upon him by the Magistrate's Court, in terms of the provisions of Section 579 of the Criminal Code. The Prosecution exhibited a true copy of bail conditions granted by this Court on 9th March 2015.[14] In this regard, the Court notes that it results clearly that these bail conditions referred to the accused. Thus, in his statement the accused confirms that on the previous day, namely 9th March 2015, he had been granted bail. This is also confirmed by Inspector Spiridione Zammit in his deposition, who further states that accused had been granted bail on said date by this Court, as presided. Indeed, this case revolves around an incident which occurred after the accused had been taken to court on 10th March 2015 in order to sign the conditions relating to the bail that had been granted to him on the previous day. The Prosecution is clearly alleging that the accused breached the fourth condition – indeed a general condition imposed in every case – by having committed a crime of a voluntary nature whilst on bail.

Yet, although the Court granted the accused bail on 9th March 2015, it also results clearly from the evidence produced that the accused had not yet been effectively released from arrest, when the crimes forming the merits of this case were committed by him and indeed he was found to be in possession of heroin upon his re-entry into prison. Bail conditions are conditions which regulate an accused person's release from arrest or preventive custody and come into play once such release takes effect – bail conditions are such that they must be adhered to by an accused person upon such release. Once the accused had not yet been effectively released from arrest, when he committed the present offences, it follows that he

[14] A fol. 68 of the records.

cannot be found guilty of having breached the bail conditions granted to him by means of the decree dated 9th March 2015.

For these reasons, the Court is finding the accused not guilty of the fourth charge brought against him.

Considerations on Punishment

As regards the punishment to be inflicted, the Court took into account the criminal record of the accused at the time when the offences of which he is being found guilty were committed. Furthermore, the Court took into consideration that the present offences were committed by the accused merely a few months after he was placed under a Probation Order, thereby being given the opportunity to obtain help and to rehabilitate himself but he chose instead to continue down the same path of delinquency.

It also took into consideration the nature of the charges brought against the accused and the amount of heroin found in his possession, which was a minimal amount. For the purpose of the punishment to be inflicted, the Court applied the provisions of Section 17(h) of Chapter 9 of the Laws of Malta in respect of charges (a) and (c).

Conclusion

For these reasons, the Court after having seen Parts IV and IV, Sections 22(1)(a) and 22(2)(b)(ii) of Chapter 101 of the Laws of Malta, Regulation 9 of Subsidiary Legislation 101.02, Section 17(h) of Chapter 9 of the Laws of Malta and Sections 7(1) and (2) of Chapter 260 of the Laws of Malta, finds the accused not guilty of charges (b) and (d) and acquits him thereof, but finds him guilty of charges (a) and (c) and condemns him to **four (4) months effective imprisonment** – from which term one must deduct the period of time, prior to this judgement, during which the person sentenced has been kept in preventive custody in connection with the offences of which he is being found guilty by means of this judgement.

In terms of Section 533 of Chapter 9 of the Laws of Malta, the Court condemns the person sentenced to pay the expenses incurred in the employment of court experts appointed in the examination of the proces verbal of the inquiry, namely the expenses relating to the report drawn up by expert Scientist Godwin Sammut,

amounting to the sum of one hundred, forty seven Euro and fifty cents (€147.50) and the expenses relating to the report drawn up by Scene of the Crime Officer PS 1392 Kevin Buhagiar, amounting to the sum of twenty two Euro and eleven cents (€22.11). The said expenses amount in total to one hundred, sixty nine Euro and sixty one cents (€169.61).

The Court orders that the drug exhibited 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 *process-verbal* shall be inserted in the records of these proceedings not later than fifteen days from the said destruction.

Natasha Galea Sciberras
Magistrate