

Court of Magistrates (Malta)
As a Court of Criminal Judicature

The Police
(Inspector Frank Anthony Tabone)

-vs-

Ivaylo Ventsislavov Vasilev

Today 7th September, 2016

The Court;

Having seen the charges brought forward against the accused **Ivaylo Ventsislavov Vasilev**, 21 years, s/o Ventsisav and Rositsa nee' Todorova, born in Bulgaria on the 20/09/1994 and residing at No. 8, Kostablu, Fl 3, Triq il-Harifa, San Pawl Il-Bahar, Malta and holder of ID No. 128713A:

Charged with having:-

1. On the 5th & 6th September 2016 in the Maltese Islands 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. And also on the night between the 5th & 6th September 2016 and on the previous three years in the Maltese Islands 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 any other preparation of which such resin formed the base, in terms of Section 8 (a) of Chapter 101 of the Laws of Malta.

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

Having seen documents exhibited;

Having seen the the Order of the Attorney in terms of sub article (2) of Article 22 of the Dangerous Drugs Ordinance (Chapter 101);

Having heard the accused plead guilty to the charges brought against him, notwithstanding the fact that the Court warned him in the most solemn manner of the legal consequences of his guilty plea after having given him sufficient time within which to reconsider and withdraw his guilty plea;

Having heard the prosecution and defence counsel make their submissions.

Considers:

Having heard the guilty plea of the accused to the charges brought against him the Court has no alternative but to declare the accused guilty of the charges brought against him.

With regards to punishment the Court took into consideration the fact that the accused pleaded guilty at an early stage of the proceedings, the circumstances of the case, his clean record sheet, and the prosecuting officer's declaration that this is a case of trafficking by sharing.

In view of the above the Court after having seen articles 8, 22(1)(a), 22(2)(b)(ii) and 22(9) of Chapter 101 of the Laws of Malta, Regulation 9 of Subsidiary Legislation 101.02, upon his admission finds the accused guilty of the charges brought against him and condemns him to six (6) months imprisonment which by application of article 28A of Chapter 9 of the Laws of Malta are being suspended for a period of one (1) year.

The Court explained to defendant in ordinary language of the consequences should he commit another offence within the operative period of this judgment.

The Court orders the destruction of Dok FAT 6 under the surveillance of the Registrar.

Dr Josette Demicoli LL.D
Magistrate