

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

**Chapter 31 of the Laws of Malta;
Drugs (Control) Regulations, LN 22 of 1985 as amended**

**Magistrate
Dr Consuelo Scerri Herrera LL.D. DIP. MATR. (Can)**

Drugs No. 211/16

**The Police
(Inspector Kevin Pulis)**

vs

ROBIN MICHAEL SEBASTIAN SILVER

Today, 26th November 2016

The Court,

Having seen that the accused **ROBIN MICHAEL SEBASTIAN SILVER**, holder of Swedish Passport number 85710278 was arraigned before her and charged with having on the 26th November 2016 and the days before this date on the Maltese Islands had in his possession the psychotropic and restricted drug without a special authorisation in writing by the Superintendent of Public Health, in breach of the provisions of the Medical and Kindred Professions Ordinance and the Drugs (Control) Regulations, Legal Notice 22 of 1985 as amended.

The Court was 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 all the documents exhibited in the acts of these proceedings by the Prosecution in particular a copy of the passport of the accused, a conviction sheet, the consent of the Attorney General for the case to be dealt with in terms of Section 22(2) of Chapter 101, a declaration of refusal to legal aid and the statement of the accused.

Having heard the accused declare that he does not understand the Maltese language though he understands the English language and thus the Court ordered that the proceedings are to be held in the English language in terms of Section 3 of the Judicial Proceedings Act.

Having heard the accused request for assistance of a legal aid lawyer, the Court appointed Dr Josette Sultana as Legal Aid Lawyer to assist the accused.

Having heard the accused plead guilty to the charges brought forward against him.

The Court explained to the accused the consequences of his plea of guilt in the presence of his legal aid lawyer and after having given the accused sufficient time to reconsider his guilty plea and saw that the same accused insisted on registering in the acts of these proceedings his plea of guilt, had no alternative but to register such plea.

In the light of the above plea of guilt which guilty plea was made voluntarily, expressly and unconditionally, the Court is satisfied that the accused is to be found guilty of the charge brought forward against him.

The Court took note that the exhibited drugs in question was de minimis in quantity (seven ecstasy tablets) as declared by the Prosecuting Officer.

The Court took note of the fact that the accused is a first time offender and his guilty plea registered in the first opportunity given to him and consequently feels that it should discharge the accused unconditionally.

Thus the Court, having seen the law, in particular Chapter 31 of the Laws of Malta, Drugs (Control) Regulations and LN 22 of 1985 as amended, decides to find the accused ROBIN MICHAEL SEBASTIAN SILVER guilty of the charge brought forward against him by the prosecution and discharges him in terms of Article 22 of Chapter 446 for a period of eighteen months.

The Court also orders the confiscation of the drug exhibited in Court and orders its destruction. Hence, the Court orders the Registrar of the Criminal Courts to effect such destruction and the Registrar is to compile a proces verbal documenting the destruction procedure, which document is to be inserted in the acts of these proceedings not later than fifteen days from today and this in line with the judgement given by the Court of Criminal Appeal on the 22nd December 2006 in the case ‘Il-Pulizija vs Anthony Joseph Portelli’.

The Court declares further that it shall not take cognisance of the request of the Prosecution made in terms of Section 533 of Chapter 9 of the Laws

of Malta since it does not transpire from the acts of these proceedings that there were any experts appointed in this case.

**Dr Consuelo Scerri Herrera LL.D.
Magistrate**