



CRIMINAL COURT

HON. MR. JUSTICE DR. ANTONIO MIZZI LL.D.

BILL OF INDICTMENT No. 7/2013

THE REPUBLIC OF MALTA

Versus

Albert Tanti

[holder of Id card no. 103148M]

Today, the twenty third day of November, 2016

The Court,

Having seen the bill of indictment no. 7/2013 against the accused Albert Tanti wherein he was charged with :

After the Attorney General premised in the first Count of the Bill of Indictment that

on the thirtieth (30th) of April of the year two thousand and seven (2007) as well as during the days, weeks and months prior to this date, ALBERT TANTI (hereinafter referred to as the “accused”) **decided to start illegally cultivating the drug Cannabis plant illegally in the Maltese Islands.**

The accused acquired an unspecified number of seeds of the Cannabis plant from a friend of his and planted them in various pots in a garage bearing number 8, in New Street off Mdina Road, Zebbug, Malta and in a rural room situated in fields adjacent to this garage provided by Steve Micallef for the purpose of cultivation of Cannabis plants. The accused had the necessary technical knowhow on how to cultivate Cannabis plants and he provided all the necessary assistance and care for these plants by visiting these places where the Cannabis plants were planted on a regular basis, watering them and taking the necessary care in order for these plants to germinate and grow. In all the accused managed to cultivate fifty six Cannabis plants that were discovered by the Police after that they started investigating the movements of the accused. In fact the Malta Police managed to intervene in due time before the Cannabis plants cultivated could be trafficked in the Maltese Islands.

In fact following a raid that the Police carried out in the abovementioned garage number 8, in New Street off Mdina Road, Zebbug, Malta the Police found fifty three cannabis plants planted in pots whose net weight (without the roots) amounted to five hundred seventy seven point sixty four grams (577.64 g) and in a rural room situated in the fields behind the said garage, over and above these 53 plants, the police found another three (3) cannabis plants planted in pots whose net weight amounted to one hundred and six grams (106 g).

The drug Cannabis is scheduled as per Part 1 of the First Schedule of the Dangerous Drugs Ordinance;

By committing the abovementioned acts with criminal intent Albert Tanti rendered himself guilty of cultivating the dangerous drug Cannabis Plant in breach of the provisions of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta.

Wherefore, the Attorney General, in the name of the Republic of Malta, on the basis of the facts and circumstances narrated above, accuses Albert Tanti of becoming guilty of having, on the thirtieth (30th) day of April of the year two thousand and seven (2007) and during the previous days, weeks and months, with criminal intent, cultivated a dangerous drug - Cannabis Plant - in the Maltese Islands against the provisions of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta) and demands that the accused be proceeded against according to law, and that he be sentenced to the punishment of imprisonment for life and to a fine of not less than two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) but not exceeding one hundred and sixteen thousand four hundred and sixty-eight euro and sixty-seven cents (€116,468.67) and the forfeiture in favour of the Government of Malta of the entire immovable and movable property of the accused, as is stipulated and laid down in articles 2, 8(c)(e), 9, 10(1), 12, 22(1)(a)(1B)(2)(a)(i)(3)(3A)(a)(b)(c)(d)(7)(15), 22(A), 24A, and 26 of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta and of articles 17, 23, 23A, 23B, 23C and 533 of the Criminal Code, Chapter 9 of the Laws of Malta or to any other punishment applicable according to law to the declaration of guilty of the accused.

After the Attorney General premised in the second Count of the Bill of Indictment that That in the same factual and circumstantial context mentioned in the first count of this Bill of Indictment, and that is to say on the thirtieth (30th) day of April of the year two thousand and seven (2007) as well as during the days, weeks and months prior to this latter date, ALBERT TANTI (hereinafter referred to as the “accused”) was possessing the dangerous drug Cannabis plant illegally in the Maltese Islands.

After that the accused had acquired an unspecified number of seeds of the Cannabis plant from a friend he planted those seeds and grew fifty six Cannabis plants which he watered, tendered to, nurtured and cultivated. In all the accused was in possession of fifty six (56)

Cannabis plants that were discovered by the Police after that they started investigating the movements of the accused and found following a raid that the Police carried out in garage number 8, in New Street off Mdina Road, Zebbug, Malta where the Police found fifty three (53) cannabis plants planted in pots whose net weight (without the roots) amounted to five hundred seventy seven point sixty four grams (577.64 g) and in a rural room situated in the fields behind the said garage, over and above these 53 plants, where the Police found another three (3) cannabis plants planted in pots whose net weight amounted to one hundred and six grams (106 g).

The drug Cannabis is scheduled as per Part 1 of the First Schedule of the Dangerous Drugs Ordinance;

By committing the abovementioned acts with criminal intent Albert Tanti rendered himself guilty of having in his possession the whole or any portion of the dangerous drug Cannabis Plant in breach of the provisions of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta in such circumstances where he was not in possession of the necessary authorization or licence to possess such dangerous drug in terms of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta and the Internal Control of Dangerous Drugs Rules (Government Notice 292 of 1939) and which dangerous drug was not given to him for his use in terms of lawful dispensation or prescription as mentioned in the said Rules and where this Offence of possession of a dangerous drug was committed under such circumstances that show that this possession was not for the exclusive use of the accused

Wherefore, the Attorney General, in the name of the Republic of Malta, on the basis of the facts and circumstances narrated above, accuses Albert Tanti of becoming guilty of having, on the thirtieth (30th) day of April of the year two thousand and seven (2007) and during the previous days, weeks and months, with criminal intent of having in his possession the whole or any portion of the dangerous drug Cannabis Plant in breach of the provisions of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta in such circumstances where he was not in possession of the necessary authorization or

licence to possess such dangerous drug in terms of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta and the Internal Control of Dangerous Drugs Rules (Government Notice 292 of 1939) and which dangerous drug was not given to him for his use in terms of lawful dispensation or prescription as mentioned in the said Rules and where this Offence of possession of a dangerous drug was committed under such circumstances that show that this possession was not for the exclusive use of the accused and demands that the accused be proceeded against according to law, and that he be sentenced to the punishment of imprisonment for life and to a fine of not less than two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) but not exceeding one hundred and sixteen thousand four hundred and sixty-eight euro and sixty-seven cents (€116,468.67) and the forfeiture in favour of the Government of Malta of the entire immovable and movable property of the accused, as is stipulated and laid down in articles 2, 8(d), 9, 10(1), 12, 22(1)(a)(1B)(2)(a)(i)(3)(3A)(a)(b)(c)(d)(7)(15), 22(A), 24A, and 26 of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta and of Regulations 2, 4(a), 8, 9 and 16 of the Internal Control of Dangerous Drugs Rules (Government Notice 292 of 1939) and of Articles 17, 23, 23A, 23B, 23C and 533 of the Criminal Code, Chapter 9 of the Laws of Malta or to any other punishment applicable according to law to the declaration of guilty of the accused.

After the Attorney General premised in the third and final Count of the Bill of Indictment that on the thirtieth (30th) day of April of the year two thousand and seven (2007) and in the previous days and weeks Albert Tanti had in his possession resin obtained from the Cannabis Plant.

That on that date the Police carried a search in the residence of the accused at number 3, Triq l-ispizjar Sciberras, Msida wherein the Police found a small piece of resin obtained from the Cannabis Plant inside a packet of rolling tobacco. Later on the accused admitted to the Police that this brown substance was resin taken from the Cannabis plant and that it was his. Albert Tanti was therefore knowingly and illegally in possession of the resin obtained from the plant cannabis.

The drug cannabis is scheduled as per Part 1 of the First Schedule of the Dangerous Drugs Ordinance;

Consequently by committing the abovementioned acts with criminal intent, Albert Tanti rendered himself guilty of being in possession of a dangerous drug (cannabis resin) as specified in the First Schedule of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta,

Wherefore, the Attorney General, in the name of the Republic of Malta, on the basis of the facts and circumstances narrated above, accuses Albert Tanti that on the thirtieth (30th) day of April of the year two thousand and seven (2007) and in the previous days and weeks in Malta, with criminal intent, rendered himself guilty of being in possession of a dangerous drug (cannabis) as specified in the First Schedule of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, and demands that the accused be proceeded against according to law, and that he be sentenced to the punishment of imprisonment for a term of not less than twelve (12) months but not exceeding ten (10) years and to a fine (*multa*) of not less than four hundred and sixty-five euro and eighty-seven cents (€465.87) but not exceeding twenty three thousand two hundred ninety three Euro seventy three cents (€23,293.73) as is stipulated and laid down in article 8(a) and 22(1)(a)(2)(a)(ii) of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, articles 17 and 533 of the Criminal Code, Chapter 9 of the Laws of Malta and of regulations 2, 4(a), 9 and 16 of the Internal Control of Dangerous Drugs Rules, Government notice 292 of 1939 or to any other punishment applicable according to law to the declaration of guilty of the accused.

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;

Having seen that in the sitting of the fifteenth day of July, 2016 the accused, in reply to the question as to whether he was guilty or not guilty of all the charges proffered against him under the counts of the Bill of Indictment, stated that he was pleading guilty thereto.

Such declaration was confirmed again during the sitting of the twenty third day of November, 2016.

Having seen that this Court then warned the accused in the most solemn manner of the legal consequences of such statement and allowed him a short 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;

Now therefore declares Albert Tanti guilty of all the counts found in the Bill of Indictment, namely of having:-

1. on the thirtieth (30th) day of April of the year two thousand and seven (2007) and during the previous days, weeks and months, with criminal intent, cultivated a dangerous drug - Cannabis Plant - in the Maltese Islands against the provisions of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta).
2. on the thirtieth (30th) day of April of the year two thousand and seven (2007) and during the previous days, weeks and months, with criminal intent of having in his possession the whole or any portion of the dangerous drug Cannabis Plant in breach of the provisions of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta in such circumstances where he was not in possession of the necessary authorization or licence to possess such dangerous drug in terms of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta and the Internal Control of Dangerous Drugs Rules (Government Notice 292 of 1939) and which dangerous drug was not given to him for his use in terms of lawful dispensation or prescription as mentioned in the said Rules and where this Offence of possession of a dangerous drug was committed under such circumstances that show that this possession was not for the exclusive use of the accused.

3. on the thirtieth (30th) day of April of the year two thousand and seven (2007) and in the previous days and weeks in Malta, with criminal intent, rendered himself guilty of being in possession of a dangerous drug (cannabis) as specified in the First Schedule of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta.

Having seen articles 2, 8(a)(c)(d)(e), 9, 10(1), 12, 22(1)(a)(1B(2)(a)(i)(ii) (3)(3A)(a)(b)(c)(d) (7)(15), 22(A), 24A and 26 of Chapter 101 of Laws of Malta, Regulations 2, 4(a), 8, 9 and 16 of the Internal Control Of Dangerous Drugs Rules and of articles 17, 23, 23A, 23B, 23C of Criminal Code.

Now, therefore, condemns the said Albert Tanti to a term of imprisonment of five years, and to the payment of a fine (multa) of ten thousand Euro (€10,000), which fine (multa) shall be converted into a further term of imprisonment according to Law, in default of payment within fifteen days ;

Furthermore condemns him to pay the sum of four thousand, one hundred and forty eight Euro and thirty three cents (€4, 148.33) 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;

Should this sum not be paid within fifteen days, then it should be converted into a prison term in accordance with the law.

Furthermore, 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 movable and immovable property belonging to the said Albert Tanti.

And 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 as soon as possible by the Assistant Registrar under the direct supervision of the Deputy Registrar of this Court who shall be bound to report in writing to this Court

when such destruction has been completed, unless the Attorney General files a note within fifteen days declaring that the said drugs are required in evidence against third parties.

(sgd) Antonio Mizzi

Judge

Brian Avellino

Deputy Registrar