



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

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

Case Number: 51/2017

Today, 10th May, 2017

**The Police
(Inspector Maurice Curmi)**

vs

Haruna Sarjo

The Court,

After having seen the charge brought against the accused Haruna Sarjo, 29 years of age, son of Mala u Serba, born in Gambia on 1st January 1988, residing at 30, 'Providenza Court', Flat 6, Triq il-Gifen, St. Paul's Bay, holder of a Maltese Identification Document number 003674 BB;

Charged with having on 11th April 2017 at about eleven in the evening (23:00 hrs) in St. Paul's Bay, had in his possession (otherwise than in the course of transit through Malta of the territorial waters thereof) the whole or any portion of the plant cannabis, which drug was found under circumstances denoting that it was not for his personal use, in terms of Article 8(d) of Chapter 101 of the Laws of Malta.

The Court was requested, in pronouncing judgement or in any subsequent order, to sentence the person convicted to the payment, wholly or in part, to the Registrar, of the costs incurred in connection with the employment in the proceedings of any expert or referee, in terms of Sections 532A, 532B and 533 of Chapter 9 of the Laws of Malta.

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 charge brought against him, during the sitting held on 26th April 2017, which guilty plea he confirmed even after the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him of the legal consequences thereof and allowed him sufficient time to reconsider his plea and to retract it;

Having heard final oral submissions by the parties about the punishment to be inflicted.

Considered that:

In view of the guilty plea filed by the accused, the Court cannot but find him guilty of the charge brought against him.

For the purpose of the punishment to be inflicted, the Court took into consideration the serious nature of the charge brought against the accused and that from the evidence adduced by the Prosecution, it results that the accused was found in possession of circa 23.5 grams of cannabis grass, divided in fifteen small plastic bags and another bigger plastic bag (*vide* photos exhibited as Document IM6). In this regard the Court is taking into account that such amount is certainly not an insignificant amount and that considering that a typical dose of cannabis in a joint normally consists of 0.2 grams of cannabis,¹ the amount of grass found on the person of the accused could potentially produce circa 117 cannabis joints. The Court also took into consideration that weighing scales and a number of small self-sealing plastic bags were also found in the accused's possession. Apart from the amount of grass so found, such items clearly denote that the substance was intended for supply.

On the other hand, the Court took into consideration the early guilty plea filed by the accused and his clean criminal record.

As regards the monies that were found in the accused's possession, the Court notes that in his statement, the accused stated that he was in employment and that he

¹ *World Drug Report 2006 Volume I. Analysis*, page 96 *et seq.*

never left his money at home, but always carried it around with him. The Court also notes that during his interrogation, the accused was neither questioned about his earnings, nor about how long he had been in employment, or about his daily expenditure and thus the Court cannot reach the conclusion, to the degree required by law, that all such monies were derived from drug-related activity. Any doubt must necessarily benefit the accused. The Court is thus ordering the release of such monies in his favour.

Conclusion

For these reasons, the Court after having seen Sections 8(d), 22(1)(a) and 22(2)(b)(i) of Chapter 101 of the Laws of Malta and Regulation 9 of Subsidiary Legislation 101.02, upon his guilty plea, finds the accused guilty of the charge brought against him and condemns him to **fourteen (14) months effective imprisonment** – from which term one must deduct the period of time, prior to this judgement, during which the person sentenced has been held in preventive custody in connection with the offence of which he is being found guilty by means of this judgement – and **a fine (*multa*) of one thousand and four hundred Euro (€1,400)**.

The Court is not applying the provisions of Section 533 of Chapter 9 of the Laws of Malta, since no experts were appointed during these proceedings.

The Court orders the destruction of Document IM, once this judgement becomes final and definitive, under the supervision of the Registrar, who shall draw up a process 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.

The Court orders the release of the monies exhibited as Document IM1, the mobile phones exhibited as Documents IM2 and IM5 and the keys exhibited as Document IM3 in favour of the person sentenced, Haruna Sarjo.

Natasha Galea Sciberras
Magistrate