



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

**MAGISTRATE
DR. NEVILLE CAMILLERI B.A., M.A. (Fin. Serv.), LL.D.**

Sitting of the 25th. June 2017

**The Police
(Inspector Frank Anthony Tabone)**

vs.

Mohamed Jaylami Abdule

Case Number ___/17

The Court

After having seen the charges brought against the accused **Mohamed Jaylami Abdule**, twenty-nine (29) years, son of Jaylami and Hawa neé Abdule, born in Somalia, on the 1st. of January 1988, residing at No. 9, St. Joseph, San Piju V Street, Haz-Zabbar and holder of Maltese ID No. 59855A

charged with having on the 24th of June 2017 and on the previous days, on these islands:

1. 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 in terms of Section 8(d) of the Chapter 101 of the Laws of Malta, which drug was found under circumstances denoting that it was not intended for his personal use;
2. 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;
3. had in his possession the drugs (*cocaine*) 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 (G.N. 292/1939) to be in possession of the mentioned drugs, and failed to prove that the mentioned drugs was 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 (G.N. 292/1939) as subsequently amended by the Dangerous Drugs Ordinance Chapter 101 of the Laws of Malta;
4. committed these offences in, or within 100 metres of the perimeter of, a school, youth club or centre, or such other place where young people habitually meet in breach of Article 22(2) of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta.

The Court was 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 examined all the documents forming part of the proceedings.

Having seen the Order of the Attorney General in terms of Section 22(2) of Chapter 101 of the Laws of Malta (Doc. "FT 1" - *a fol.* 10).

Having heard the Prosecution withdrew the third (3^{rd.}) charge brought against the accused.

Having heard the accused plead guilty to the first (1^{st.}), second (2^{nd.}) and fourth (4^{th.}) charges brought against him, notwithstanding the fact that the Court in terms of Section 453(1) of Chapter 9 of the Laws of Malta 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.

Considers

That, as a consequence of the admission of the accused of the first (1^{st.}), second (2^{nd.}) and fourth (4^{th.}) charges brought against him, the mentioned charges brought against the accused have been sufficiently proven.

With regards to the punishment to be inflicted against the accused, the Court will be taking into consideration various factors, including: the conviction sheet of the accused (Doc. "FT 2" - *a fol.* 11), the nature of the first (1^{st.}), second (2^{nd.}) and fourth (4^{th.}) charges brought against the accused, and the guilty plea of the mentioned charges at an early stage of these proceedings.

Therefore, the Court, whilst refraining from taking any further cognizance of the third (3^{rd.}) charge brought against the accused (since the mentioned charge was withdrawn by the Prosecution), after having seen and considered Articles 8(a), 8(d), 22(1)(a), 22(2), and 22(2)(b)(i) of Chapter 101 of the Laws of Malta and Regulation 9 of Subsidiary

Legislation 101.02 of the Laws of Malta finds the accused Mohamed Jaylami Abdule guilty of the first (1st), second (2nd) and fourth (4th) charges brought against him and condemns him to a period of nine (9) months imprisonment and to the payment of a fine (*multa*) of five hundred Euros (€500.00).

The Court orders the destruction of the drugs which have been exhibited and which form part of Doc. "FT 9".

Finally, the Court rejects the Prosecution's request regarding the payment of expenses related to the appointment of experts since no such experts were appointed.

Dr. Neville Camilleri
Magistrate

Ms. Christine Farrugia
Deputy Registrar