



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

**Magistrate Dr. Joseph Mifsud B.A. (Legal & Int. Rel.),
B.A. (Hons), M.A. (European), LL.D.**

**The Police
(Inspector Bernard Charles Spiteri)**

vs.

OMISSIS

Number: 49/2016

Today 6th of July 2017

The Court,

Having seen the charges brought against **OMISSIS** charged with having on the 14th February 2015 and in the previous years, within these Islands;

1. supplied or distributed, or offered to supply or distribute the drug (*cocaine*), specified in the First Schedule of the Dangerous Drug Ordinance, Chapter 101, of the Laws of Malta , to person/s, or for the use of other person/s, without being licensed by the President of Malta, without being fully authorised by the Internal Control of Dangerous Drugs Regulations (G.N.292/1939), or by other authority given by the President of Malta, to supply this drug, and without being in possession of an import and export authorisation issued by the Chief Government Medical Officer in pursuance of the provisions of paragraph 6, of the Ordinance and when he was

not duly licensed or otherwise authorised to manufacture or supply the mentioned drug, when he was not duly licensed to distribute the mentioned drug, in pursuance of the provisions of Regulation 4 of the Internal Control of Dangerous Drugs Regulations (G.N.292/1939) as subsequently amended by the Dangerous Drugs Ordinance, chapter 101 of the Laws of Malta;

2. And also on the same date, time, place and circumstances had in her possession the drugs (*cocaine*) specified in the First Schedule of the Dangerous Drug Ordinance, Chapter 101 of the Laws of Malta, when she 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 she 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;
3. And also on the same date, time, place and circumstances had in hers 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 and had in her 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;

After having seen the documents exhibited and all the acts of the proceedings.

After having seen the consent of the Attorney General dated 24th March 2016;

After having heard the accused plead guilty to the charges at an early stage of the proceedings, which admission was confirmed by the same offender after the Court, in terms of section 453 (1) of Chapter 9 of the Laws of Malta, warned her of the legal consequences of that guilty plea including the possibility of imprisonment, and allowed her sufficient time to re-consider her reply, and to change it;

After having heard the oral submissions on the punishment;

Considered that:

From the evidence brought forward and from the guilty plea registered by the offender herself, the Court concludes that the offender is guilty of the charges laid against her.

As regards the punishment, the Court took into consideration the fact that the offender admitted to the charges at a very early stage, cooperated with the police and identified the drug trafficker that provided her with drugs.

In terms of article 29 of Chapter 101 the accused is obtaining a reduction in sentence, since the prosecution declared in the records of the proceedings that she had helped the Police to apprehend the person or persons who supplied her with drugs.

In those cases where the Court is made aware that the accused is in reality a victim, that she caused no wrong or hardship or consequences on the weak or the young; that the accused did not live in luxury from the illicit proceeds of her nefarious and selfish actions, in these cases the Court would weigh and balance the term of imprisonment deserved.

Indeed, also our own country have decided to gradually de-penalise or at least treat in a much lesser heavy-handed manner the possession and use of cannabis, heroin, ecstasy and cocaine for personal use.

For these reasons the Court after having seen Regulation 4 of the Internal Control of Dangerous Drugs Regulations (G.N.292/1939) as subsequently amended by the Dangerous Drugs Ordinance, Sections 8(a)(d) of Chapter 101 of the Laws of Malta, on her admission finds offender guilty of the charges brought against her and condemns her to one month imprisonment and a fine of five hundred euros (€500).

Dr Joseph Mifsud

Magistrate