



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

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

Case Number 222/2015

Today, 29th November 2017

**The Police
(Inspector Dennis Theuma)**

vs

**Martha Downing
(ID 563086(M))**

The Court,

After having seen the charges brought against the accused, Martha Downing, 27 years of age, daughter of Albert and Marguerite nee` Cuschieri, born in Brasil on 10th November 1986, residing at No. 1, Triq il-Mina tax-Xatt, Senglea and holder of identity card number 563086(M);

Accused of having on these Islands, on 9th November 2013 and in the preceding 12 months:

- a. Imported or caused to be imported, or took any steps preparatory to import any dangerous drug (cannabis grass) into Malta, against the provisions of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta;

- b. Been in possession of 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;
- c. Been in possession of the whole or any portion of the plant *cannabis* in terms of Section 8(d) of Chapter 101 of the Laws of Malta.

The Court was also requested to apply Section 533(1) of Chapter 9 of the Laws of Malta as regards the expenses incurred by court appointed experts.

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 charges brought against her during the sitting held on 9th June 2017, which plea was confirmed by accused after the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned her of the legal consequences of such plea and allowed her sufficient time to reconsider it and retract it;

Having heard 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 her guilty of the charges brought against her.

As regards the punishment to be inflicted, the Court took into consideration the early guilty plea filed by accused and her clean criminal record.

The Court also took into consideration that there is nothing in the records of the case to suggest that the illicit substance to which the first charge refers, was not intended for the exclusive use of the accused. The Court also notes that from expert Scientist Godwin Sammut's report, it results that such substance consisted of 10 seeds, which had the capacity to germinate.

The Court is also taking into consideration the defence's submissions that accused is in regular employment and leads a stable life and considers further that there is nothing in her statement to the police, during her interrogation, to suggest that she

has a drug problem. On the other hand, at the time, her use of cannabis was occasional.

Conclusion

For these reasons, the Court after having seen Parts III, IV and V, Sections 8(a), 8(d), 12, 15A, 22(1)(a), 22(1B), 22(2)(b)(ii) of Chapter 101 of the Laws of Malta and Section 17 of Chapter 9 of the Laws of Malta, finds the accused guilty of the charges brought against her and condemns her to a fine (*multa*) of nine hundred and fifty euro (€950), which by application of Section 14(2) of Chapter 9 of the Laws of Malta, may be paid by the person sentenced in consecutive monthly payments of fifty euro (€50). The first payment shall be made within a month from the date of this judgement. Should the person sentenced fail to make any one payment as indicated, the remaining balance shall become immediately due and shall be converted into a term of imprisonment according to law.

The Court orders the destruction of the substance exhibited in the records of the proceedings once this judgement becomes final and definitive, under the supervision of the Registrar, who shall draw up a *proces verbal* documenting the destruction procedure. The said *proces-verbal* shall be inserted in the records of these proceedings not later than fifteen days from the said destruction.

In terms of Section 533 of Chapter 9 of the Laws of Malta, the Court condemns Martha Downing to pay the expenses relating to the experts appointed during the inquiry, namely the expenses in connection with the report drawn up by expert Godwin Sammut amounting to the sum of two hundred and twelve euro and fifty eight cents (€212.58) and the expenses relating to the report drawn up by PC 422 Neil G. Caruana, amounting to the sum of forty six euro and fifty four cents (€46.54). The said expenses amount in total to the sum of two hundred, fifty nine euro and twelve cents (€259.12), which shall be paid within a period of three months from today.

Natasha Galea Sciberras
Magistrate