



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

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

Case Number: 90/2018

Today, 18<sup>th</sup> July 2018

**The Police  
(Inspector Maurice Curmi)**

**vs**

**Ryan Brenton Agdomar  
(British Passport Number 522750191)**

The Court,

After having seen the charges brought against the accused, Ryan Brenton Agdomar, 36 years, son of Ray Brenton and Barbara nee` Agdomar, born in London UK on 12<sup>th</sup> January 1982, residing at 'The Triton', Room 225, Triq it-Tartarun, St. Paul's Bay, holder of British Passport Number 522750191;

Charged for having on 5<sup>th</sup> May 2018, at about two o'clock in the afternoon (14:00 hrs) at Triq it-Tartarun, 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 intended for his personal use, in terms of Article 8 of Chapter 101 of the Laws of Malta;

For having on the same date, time, place and circumstances, 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 Article 8(a) of Chapter 101 of the Laws of Malta.

The Court was requested, in pronouncing judgement to condemn the person convicted, to the payment, wholly or in part, to the Registrar, of the costs incurred in connection with the employment 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 charges brought against him, 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 regarding the punishment to be inflicted.

### **Considered that:**

In view of the guilty plea filed by accused in respect of the charges brought against him, the Court cannot but find him guilty of such charges.

For the purposes of the punishment to be inflicted, the Court took into account the relatively early guilty plea filed by accused and that he cooperated with the police during its investigation. It also considered on the one hand, the amount of cannabis seized, and that whilst this amount was certainly not insignificant, on the other hand, it also noted the circumstances of the case and that it results that accused is a heavy cannabis user.

As regards the monies seized and exhibited by the Prosecution in the records of the present case, the Court notes Prosecution's declaration, in the minute of the sitting held on 4<sup>th</sup> July 2018, that in view of the evidence adduced, it has no objection that such monies are released in favour of accused. Having considered the evidence produced, the Court is ordering the release of the said monies.

### **Conclusion**

For these reasons, the Court after having seen Sections 8(a), 8(d), 22(1)(a), 22(2)(b)(i) and (ii) of Chapter 101 of the Laws of Malta, Regulation 9 of Subsidiary Legislation 101.02 and Section 17(f) of Chapter 9 of the Laws of Malta, upon his guilty plea, finds accused guilty of the charges brought against him and condemns him to a term of **seven (7) months effective imprisonment** – from which term one must deduct the period of time, prior to this judgement, during which he has been

kept in preventive custody in connection with the offences of which he is being found guilty by means of this judgement – and **a fine (multa) of one thousand and two hundred Euros (€1,200)**.

Since no experts were appointed during these proceedings, the Court is not taking any further note of the Prosecution's request in terms of Section 533 of Chapter 9 of the Laws of Malta.

The Court orders that the drugs exhibited as Documents MC 7 to MC 15 are destroyed, once this judgement becomes final and definitive, under the supervision of the Court 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.

Furthermore, it orders the release of the the monies exhibited as Documents MC 5 and MC 6 in favour of Ryan Brenton Agdomar.

The Court recommends to the Director of Prisons to provide the person sentenced with any assistance and/or treatment he may require in connection with his drug habit.

Natasha Galea Sciberras  
Magistrate