



**Court of Magistrates (Malta)
As A Court of Criminal Judicature**

Magistrate Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)

Today, the 21st day of August, 2018

**The Police
(Inspector Alfredo Mangion)**

-vs-

Fernando Torne Sanz, holder of Spanish Identity Card number 33891656Y

The Court,

Having seen the charges brought against the accused **Fernando Torne Sanz** who is being charged with having:

On the 20th August, 2018, between 11:00hrs and 11:30hrs in St. John Street, Valletta and on these Islands;

1. Imported or brought into, or exported from Malta the whole or any portion of the plant *Cannabis* (excluding its medicinal preparations), and this in breach of the dispositions of the Dangerous Drugs Ordinance of Chapter 101 of the Laws of Malta;
2. Had in his possession (otherwise than in the course of transit through Malta or the territorial waters thereof) the whole or any portion of the plant *Cannabis* (excluding its medicinal preparations), and this in breach of article 8 (d) of the Dangerous Drugs ordinance of Chapter 101 of the Laws of Malta.

Having Considered:

Whereas having heard the accused plead guilty to all charges brought against him notwithstanding the fact that the Court warned him in the most solemn manner of the legal consequences of his guilty plea, and after having given him sufficient time within which to reconsider and withdraw his guilty plea;

Having heard witnesses;

Having seen all the acts and documents exhibited;

Having heard the prosecution and defence counsel make their submissions;

Considers:

Having heard the guilty plea of the accused to the charges brought against him, the Court has no alternative but to declare the accused guilty of the said charges.

With regards to punishment the Court took into consideration the accused's early admission of guilt, the nature of the offences of which he stands charged and the circumstances of the case wherein although it is alleged by defence that the substance found on the accused was medically prescribed in his country of nationality, no evidence was produced to substantiate this assertion. Consideration was also taken of the declaration made by the prosecution the importation of the said substance was for the accused's personal use;

In view of the above, the Court, after having seen articles 17 and 31 of the Criminal Code, and articles 8(d), Part V, 22(1)(a), 22(1B) and 22(2)(b)(ii) of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, and regulation 9 of the Internal Control of Dangerous Drugs Rules (S.L.101.02), upon his admission, finds the accused guilty of the charges brought against him and condemns him to a fine (*multa*) of eight hundred euros (€800). In case of non-payment, the fine will be converted into imprisonment according to law.

Finally, the Court orders the destruction of all drugs exhibited in this case under the direct supervision of the Registrar Courts. The Registrar shall enter a minute in the records of this case reporting to this Court the destruction of said drugs.

Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)
Magistrate