



**Court of Magistrates (Malta)  
as a Court of Criminal Judicature**

**Magistrate Dr. Doreen Clarke LL.D.**

**Today, 29th of August, 2018**

**The Police  
(Inspector Joseph Xerri)**

**vs**

**Darren Robert Mercer**

**Drug Case Number: 125/2018**

The Court,

Having seen the charges against Darren Robert Mercer, of 45 years of age, son of Alan Mercer and Kay nee' Judge, born in United Kingdom, on the 22nd of November, 1972 and residing at No. 13, San Andrija Court, Triq Patri Indri Schembri, Hal-Luqa and holder of U.K Passport No 110921894.

Charged with having during the night between the 23th and the 24th August 2018 and/or in the previous months in 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. supplied or distributed, or offered to supply or distribute the drug (heroin), 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;
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 which drug was found under circumstances denoting that it was not intended for his personal use;

4. had in his possession the drugs (heroin) 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 which drug was found under circumstances denoting that it was not intended for his personal use;
5. 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;

6. had in his possession the drugs (heroin) 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;

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.

The Court was also requested to attach in the hands of third parties in general all moneys and other movable property due or pertaining or belonging to the accused, and further to prohibit the accused from transferring, pledging, hypothecating or otherwise disposing of any movable or immovable property in terms of Article 120E of Chapter 31 of the Laws of Malta, Article 22A of the Dangerous Drugs Ordinance Chap 101 of the Laws of Malta and of Article 23A of the Criminal Code Chapter 9 of the Laws of Malta.

Having seen the order of the Attorney General for these proceedings to be heard summarily by this Court sitting as a Court of Criminal Judicature.

Having seen that the defendant admitted the charges brought against him, and that he confirmed this admission of guilt even after having been given time to reconsider his plea.

Having seen the documents filed by the prosecuting officer.

Having heard the submissions regarding the penalty to be meted out.

Having considered

That defendant admitted the charges brought against him; these are consequently sufficiently proven.

With regards to the penalty to be meted out the Court took into consideration the nature of the offences of which the defendant is being found guilty, his cooperation with the investigating officer, and his admission at the earliest stage of these proceedings, the amount of substance found in his possession and his willingness to start addressing his drug addiction.

Wherefore the Court, after having seen sections parts 4 and 6 and section 22(2) of Chapter 101 of the Laws of Malta and the regulations of Legal Notice 292 of the year 1939, on his admission finds defendant guilty of the charges brought against him and condemns him to four years imprisonment and a fine of four thousand Euros (€4,000) which is to be paid within a year. The Court is also ordering the forfeiture, in favour of the Government of Malta, of the sum of one thousand five hundred Euro (€1,500) exhibited as Dok JX4, and the destruction, at the charge of the Registrar of this Court, of the objects exhibited Dok JX3, Dok JX5, DokJX6 and Dok JX7.

The Court is recommending to the Director of the Corradino Correctional Facilities that the defendant is given assistance with a view to strating a drug rehabilitation programme.

**DR. DOREEN CLARKE**  
**MAGISTRAT**