



Courts of Magistrates (Malta)
As a Court of Criminal Judicature

Magistrate Dr. Francesco Depasquale LL.D., LL.M. (IMLI)

Kumpilazzjoni Drogi : 1/2019

The Police
(Inspector Leeroy Balzan Engerer)

Vs

Mustaf Biihi Abdi

Today, the 29th December 2018

The Court;

Having seen the charges laid against:

Mustaf Biihi Abdi, 33 years old, son of Abdi and Fatima, born in Mohadisho, Somalia, on the 01st January 1985, without fixed address, and holder of Maltese residence permit number 48598A.

Charged with on the 29th December 2018, at around 00:15hrs, in Triq San Gorg, St. Julian's, 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 in terms of Section 8 (d) of the Chapter 101 of the Laws of Malta;

Further accused of having, on the same date, time, place, and circumstances, committed an offence punishable with imprisonment during the operational period of a suspended sentence handed to him on the 19th May 2017 by Court: Magistrate Dr. J. Vella Cuschieri LL.D., which sentence is definitive and cannot be changed, and this in terms of article 28B of Chapter 9 of the Laws of Malta.

The Court is requested to treat Mustaf Biihi Abdi as a recidivist in terms of articles 49 and 50 of Chapter 9 of the Laws of Malta.

The Court has been informed that the accused do not understand Maltese Language, and in this regard, the Court ordered that the procedures will continue in English Language after that the Court ascertained that the accused understand English Language as he confirmed to the same Court.

The Prosecuting officer Inspector Balzan Engerer read and confirmed the charges on oath and presented the following documentation:-

- AG's consent
- Conviction Sheet
- Copy of NPS Person Details
- Statement
- Copy of Declaration
- PIRS report

Prosecution presented also in a brown envelope the sachets containing the drug taken from the accused which consisted of 1.86 grams of cannabis.

The accused declared that the accusations were taken as read and that there is no objection for the arrest.

At this stage the examination of the accused was carried out.

The accused pleaded guilty to the charges brought against him.

The Court,

Heard the admission of accused.

Explained to the accused the consequences of his admission in view of the judgement already delivered against him on 19.5.2017 and the conditions contained therein. The accused once again admitted to all accusations.

Heard both prosecution officer and defence lawyer.

Having seen the accusations made against the accused.

Having seen the legislation, Section 8 (d) of the Chapter 101; Article 28B of Chapter 9 and Articles 49 and 50 of Chapter 9 of the Laws of Malta.

Heard his admission and having seen he understood in English language the consequences of his admission and confirmed admission once again.

Having seen the judgment delivered against the accused on 19th May 2017 whereby he was found guilty and given a sentence of 2 years imprisonment suspended for 4 years.

Having seen that the accused committed yet another offence within the period of 4 years mentioned above, as a result of which the Court has to bring into force the said judgement.

The Court therefore finds accused guilty of all offences and as regards to the 1st accusation condemns him to a period of imprisonment of six (6) months and for the 2nd accusation condemns the accused to a period of imprisonment of two (2) years as set out in the judgement dated 19.5.2017, therefore the accused has a period of imprisonment of 2 years and 6 months in total.

The Court was advised that accused has a drug problem, as a result of which it asks the prison authorities to give the accused all the necessary treatment to help him overcome such a drug problem.

The Court ordered destruction of drugs presented today.

Magistrate Francesco Depasquale

**Rita Sciberras
Deputy Registrar**