



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

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

Today: 13th December 2018

**The Police
(Inspector Silvio Magro)**

vs

**DWYER William Edward
USA Passport No: 505662738**

The Court,

Having seen the charges brought against the accused Dwyer William Edward U.S National, born on 26th August 1955 in Philadelphia, son of SR William Edward (L) and Jeannee Darcy, residing at 162 Montelluna, North Venice Florida 34275 USA, and holder of USA passport number 505662738;

Charged with having on the 12th of December 2018 at around 11:55hrs at the Malta International Airport, Luqa and on these Islands in the preceding days and times, by means of several acts committed, even if at different times, which acts constitute violations of the same provisions of the law:

1. Kept in any premises or had in his possession, under his control or carried outside any premises or appurtenances any firearm or ammunition listed in Part 1 of Schedule II, without the Commissioner of Police license;
2. Without a license or permit from the Commissioner, imported or brought into or exported from Malta 29 rounds of 5.56X45mm.

In virtue of Sections 56 and 47 of Chapter 480 of the Laws of Malta, the court was requested that in case of finding of guilt of the accused, apart from inflicting the punishment prescribed by Law, it orders the forfeiture of all the objects exhibited in these proceedings and cancels, suspends his license and prohibits him from holding a license under this Act for a maximum period of five years.

Having seen all the records of the case;

Having heard the accused plead guilty to the charges brought against him, which guilty plea he confirmed even after the Court explained to him the legal consequences thereof and after it gave him sufficient time to reconsider his plea and to retract it;

Having heard submissions by the parties about the punishment to be inflicted.

Considered that:

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

For the purpose of the punishment to be inflicted, the Court took into consideration the early guilty plea filed by accused and that he cooperated with the police during its investigation. It also considered the Prosecution's submissions that accused will be removed from the country.

Conclusion

For these reasons, the Court, after having seen Sections 5(1) and (2), Sections 51 (2) and (3) of Chapter 480 of the Laws of Malta and Section 17 of Chapter 9 of the Laws of Malta finds accused guilty of the charges brought against him and condemns him to a term of six (6) months imprisonment, which by application of Section 28A of Section 9 of the Laws of Malta, is being suspended for a period of two (2) years from today.

The Court explained to the person sentenced, in clear and simple terms, the legal consequences of this judgement should he commit any other offence punishable by imprisonment, within the operative period of the suspended sentence.

In terms of Section 56 of Chapter 480 of the Laws of Malta, the Court orders the forfeiture of Documents SM3 and SM4 in favour of the Government of Malta and in terms of Section 57 of said Chapter prohibits the person sentenced from holding a license under this Act for a period of five years from today.

Natasha Galea Sciberras
Magistrate