



## **Criminal Court**

Hon. Judge Giovanni M. Grixti, LL.M., LL.D.

Admission No. 1/2019

**The Republic of Malta**

**Vs**

**Ryan Roberto Noordzee**

Today the 18 of December, 2019

The Court,

Having seen the charges brought against the accused **Ryan Roberto Noordzee**, holder of Dutch Passport bearing Nr. NY6LBCL08 before the Court of Magistrates (Malta), as a Court of Criminal Inquiry wherein he is charged with having on the 11<sup>th</sup> January, 2019, and on the previous days :-

1. Imported, or caused to be imported, or took any steps preparatory to import any dangerous drug (cocaine) into Malta in breach of section 15A of Chapter 101 of the Laws of Malta.
2. Together with another one or more persons in Malta or outside Malta, conspired, promoted, constituted, organized or financed the conspiracy with other person/s to import, sell or deal in drugs (cocaine), in these Islands, against the provisions of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, or promoted, constituted, organized or financed the conspiracy;

3. 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 authorized 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 or export authorization 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 authorized to manufacture or supply the mentioned drug, when he was 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.

The Court was 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 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.

The Court was also 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.

Having seen the records of the proceedings before the Court of Magistrates of the 13th January, 2019, whereby the accused registered a plea of guilt to all charges brought against him and confirmed such guilty plea after that Court solemnly warned him of the legal

consequences of the said admission and allowed him a period of time for him to consider his decision;

Having seen the note of the Attorney General of the 14th February 2019, whereby it was declared that:

1. Whereas he has received the acts of the Inquiry in the names the Police vs Ryan Roberto Noordzee on the fourteenth (14) day of the month of January of the year two thousand and nineteen (2019), and this after that the Court of Magistrates (Malta) as a Court of Criminal Inquiry ordered that the Acts of the said Inquiry be sent to the Attorney General in terms of Article 392B(1)(a) of Chapter IX of the Laws of Malta, and this in view of the fact that the person charged, Ryan Roberto Noordzee, in the sitting held on the thirteenth (13) day of the month of January of the year two thousand and nineteen (2019) confirmed his guilty plea with regards to the offences with which he stands charged, which offences are liable to a punishment exceeding twelve (12) years imprisonment;

2. Whereas, in terms of the proviso to Article 392B(2) of Chapter 9 of the Laws of Malta, the charges proffered against the said Ryan Roberto Noordzee before the Court of Magistrates (Malta) as a Court of Criminal Inquiry, to which the accused has registered the aforementioned guilty plea, should be considered as a Bill of Indictment for all the purposes and effects of law.

3. And whereas, in terms of article 392B(4) of Chapter 9 of the Laws of Malta, the Attorney General requests that he brings forward evidence relevant for the purposes of punishment, amongst which the proces verbal, the appointed expert to testify with regards to the quantity and quality of the drugs and the prosecuting inspector Gabriel Micallef;

Having seen the decree of this Court of the 22nd February, 2019 whereby it appointed the case for hearing for the 5th of March, 2019;

Having heard court expert Emmanuel Sinagra's testimony in the sitting of the 8th April, 2019 and having his report;

Having heard Dr Ilona Schembri's testimony in the sitting of the 14th May, 2019 and having seen her report

Considered:

That following the declaration of guilt filed by the accused before the Court of Magistrates on the 13th January, 2019 which admission of guilt was reaffirmed by him after being solemnly warned about the legal consequences of his plea and after having been given due time according to law to re-consider his plea, declares the accused **Ryan Roberto Noordze** guilty of having on the 11<sup>th</sup> January, 2019, and on the previous days :-

- i) Imported, or caused to be imported, or took any steps preparatory to import any dangerous drug (cocaine) into Malta in breach of section 15A of Chapter 101 of the Laws of Malta.
- ii) Together with another one or more persons in Malta or outside Malta, conspired, promoted, constituted, organized or financed the conspiracy with other person/s to import, sell or deal in drugs (cocaine), in these Islands, against the provisions of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, or promoted, constituted, organized or financed the conspiracy;
- iii) 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 authorized 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 or export authorization 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 authorized to manufacture or supply the mentioned drug, when he was 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.

Having seen the acts of the proceedings before the Court of Magistrates and those before this Court;

Having heard the evidence with regards to punishment namely that of Inspector Anthony Scerri tendered during the hearing of the 16th December, 2019;

Having seen the updated conduct sheet of the accused;

Having seen the joint application of the Attoreny General and the accused Ryan Roberto Noordzee presented during the sitting of 16 December, 2019, wherein the parties declared that they are in agreement that the punishment that should be inflicted by this Court upon the accused Ryan Roberto Noordzee, should be that of four (4) years imprisonment together with a fine (multa) of ten thousand euros (€10,000) and this together with the other consequences and sanctions that are mandatorily prescribed by law upon conviction in terms of the provisions of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta) as well as the Criminal Code (Chapter 9 of the Laws of Malta). Including the confiscation of any monies and other moveable and immovable property belonging or owed to the accused in accordance to law;

Considered:

1. That the defence and the prosecution have agreed with regards to the punishment that is to be inflicted on the accused Ryan Roberto Noordzee as indicated in the joint application presented in the acts of these proceedings on the 16th December, 2019; .

2. That after having seen the case-law of this Court, specifically in connection with charges of association and trafficking in the drug cocaine;

3. That after having heard the testimony of Professor Emmanuel Sinagra who exhibited his report marked ES in the records of these proceedings, wherein he concluded that the substance examined by him resulted to be cocaine, with a total weight of 314 grams and a purity of approximately 30% and having a street value of between €5,652 and €25,120;

The Court, in this particular case, adheres to the request of the Attorney General and the accused Ryan Roberto Noordzee in their joint application as above indicated and consequently, after having seen articles 2, 9, 10(1), 12, 13, 14, 15, 15A, 16, 17, 18, 22(1)(a)(d)(f)(1A)(1B)(2)(a)(i)(ii) (3A)(a)(b)(c)(d)(7), 22(A), 24A, 26 and 29 of Chapter 101 of the Laws of Malta and Regulations 2 and 9 of the Subsidiary legislation 101.2 and articles 17, 23, 23A, 23B, 23C and 533 of the Criminal Code, condemns **Ryan Roberto Noordzee** to a term of imprisonment of four (4) years and to a fine (multa) of ten thousand euros (€10,000).

Moreover, in terms of article 533 of the Criminal Code condemns Ryan Roberto Noordzee to pay the sum of One thousand, seventy-seven

Euros and twenty cents (€1,077.20), sum representing the expenses incurred for the Court nominated experts namely: Profs. Emanuel Sinagara (€329.17), Asset Recovery Bureau (€728.92) and Dr. Sonia Consiglio (€19.05), which sum is to be paid within one year from today, failing which they will be converted into a term of imprisonment in terms of law;

Moreover, orders the forfeiture in favor of the Government of Malta of all the property involved in the said crime of which he has been found guilty and all other moveable and immovable property belonging to the said Ryan Roberto Noordzee.

Finally, orders the destruction of all the objects exhibited in Court, consisting of the dangerous drugs or objects related to the abuse of drugs, which destruction shall be carried out by the Assistant Registrar of the Criminal Court, under the direct supervision of the Deputy Registrar of this Court who shall be bound to report in writing to this Court when such destruction has been completed, unless the Attorney General files a note within fifteen days declaring that said drugs and objects are required in evidence against third parties.