

**In the Court of Magistrates (Malta)**  
**as a Court of Court of Criminal Judicature Magistrate**  
**Dr Nadine Lia B.A., LL.M(Kent); LL.D (melit)**

**The Police**

**(Inspector Kevin Pulis)**

**vs**

**Nikola Joksimovic**

**Nikola Joksimovic** 35 years, son of Momo and Dobrilla, born in Banja Luka on the 12/06/1984, residing at John Rose Apts, Fl2B, Triq l-Istammar, San Pawl il-Bahar, and holder of Bosnia and Herzegovina Passport bearing number B2221381 and Republic of Serbia Passport bearing number 009768923

And charge him with having;

On the 19<sup>th</sup> October 2019 and/or the previous weeks on the Maltese islands;

1. Produced, sold or otherwise dealt with the whole or any portion of the plant Cannabis in terms of Section 8 (e) of the Chapter 101 of the Laws of Malta
2. 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, **which drug was found under circumstances denoting that it was not intended for his personal use;**
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 psychotropic and restricted drug (ecstasy) without a special authorisation in writing by the superintendent of Public Health, in breach of the provisions of the Medical and Kindred Professions Ordinance Chap 31 laws of Malta and the Drugs (Control) Regulations, Legal Notice 22 of 1985 as amended, **which drug was found under circumstances denoting that it was not intended for his personal use**
5. Had in his possession the psychotropic and restricted drug (amphetamine) without a special authorisation in writing by the superintendent of Public Health, in breach of the provisions of the Medical and Kindred Professions Ordinance Chap 31 laws of Malta and the Drugs (Control) Regulations, Legal Notice 22 of 1985 as amended, **which drug was found under circumstances denoting that it was not intended for his personal use**

The Court is 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 that on the 20th October 2019 the Prosecuting Officer read and confirmed the charges on oath;

Having seen that during the examination of the accused in terms of Article 390 and 392 of the Criminal Code that the accused, in reply to the question posed in terms of Article 392(1)(b) of the Criminal Code by the Court declared that he was guilty;

Having examined all the documents forming part of the proceedings;

Having seen that in view of this declaration of accused Nikola Joksimovic and the Court having warned the said accused in the most solemn manner about the consequences arising out of his guilty plea, the Court granted him sufficient time in order to consult his legal counsel and for him to consider whether he would like to confirm or else retract his guilty plea. The accused, after consulting with his legal counsel, reiterated that he was guilty as charged.

The Court, after having seen Article 392A(1)(2) of the Criminal Code, in the light of the said declaration by accused : - (a)it became ex lege competent to proceed with the determination of the merits of this case and it consequently converted itself into a court of criminal judicature; (b)in view of this same declaration by accused Nikola Joksimovic, duly reiterated, the Court had no option but to find the accused guilty as charged.

Having seen the records of the proceedings as well as the criminal record sheet of the accused;

Having heard the final oral submissions of the Prosecuting Officer and the accused, and in particular that in the case of the accused, the clean criminal record sheet, the fact that he was a first-time offender, that he cooperated fully with the Police and as well as his admission of guilt at a relatively early stage of proceedings.

## **Decide**

Consequently, this Court, after having seen Articles 8(d), 8(e), 22(1)(a), 22(2)(b)(ii), the First Schedule of Chapter 101 of the Laws of Malta, Regulation 9 of Subsidiary Legislation 101.02, article 40A, 120A(1)(a), 120A(2)(b)(i) u (ii) of Chapter 31 of the Laws of Malta, Regulation 3(1) of Legal Notice 22 of 1985 finds the accused Nikola Joksimovic upon his unconditional guilty plea, guilty as charged and condemns him to a term of imprisonment for sixteen (16) months and a fine multa of eight

hundred euros (€800) to be payable within three (3) years from the date of judgment.

The Court orders the immediate destruction of the drugs and paraphernalia exhibited in the case as Doc KP11 and KP 12 in terms of article 23 of Chapter 9 of the Laws of Malta.

Delivered today the 20th October 2019 at the Courts of Justice in Valletta, Malta.

**Dr. Nadine Lia**

**Magistrate**

**Lorianne Spiteri**

**Deputy Registrar**