



MALTA

**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE
DR. GABRIELLA VELLA B.A., LL.D.**

**Police
(Inspector Stacey Attard)**

Vs

Foday Touray

Today, 4th March 2020

The Court,

After having considered the charge brought against Foday Touray thirty two (32) years of age, son of Kebba and Mariama neè Jawla, born in Gambia on the 1st January 1988, currently residing in Hal-Far Tent Village, Hal-Far, and holder of Refcom Number 27419/19, of having on the 3rd March 2020 at around 15:15 hrs in 6th August Garden, situated in Patri Felicjan Bilocca Street, Marsa and/or on these Islands:

1. 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 personal use;

After having considered the documents submitted by the Prosecution namely: (a) the Order by the Attorney General in the English language in terms of Article 22(2) of Chapter 101 of the Laws of Malta - Doc. "A"; (b) the Police incident report - Doc. "B"; (c) a statement given by the accused on the 3rd March 2020 - Doc. "C"; (d) personal details form of the accused - Doc. "D"; (e) receipt with regards to the seizure of the objects found in possession of the accused - Doc. "E"; (f) the conviction sheet of the accused - Doc. "F"; (g) Asylum Seekers Document pertinent to the accused - Doc. "G"; (h) the substance found in the possession of the accused - Doc. "H";

After having heard the accused plead guilty to the charge brought against him, which guilty plea was confirmed by him even after the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him in the most solemn manner of the legal consequences of his guilty plea after having given him sufficient time within which to reconsider and withdraw his guilty plea;

After having heard submissions regarding punishment;

Considers:

The accused is being charged of having on the 3rd March 2020 at around 15:15 hrs in 6th August Garden, situated in Patri Felicjan Bilocca Street, Marsa and/or on these Islands, 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 personal use.

The accused pleaded guilty to the charges brought against him.

In view of the guilty plea by the accused the Court is finding him guilty of the charge brought against him.

In so far as concerns punishment the Court took into consideration the nature of the charges and the fact that the accused submitted a guilty plea at an early stage of the proceedings.

Therefore after considering Sections 8(d) and 22(2)(b)(i) of Chapter 101 of the Laws of Malta, the Court, whilst reiterating that it is finding the accused guilty of the charges brought against him, condemns him to a term of six (6) months imprisonment and to a fine (*multa*) of five hundred Euros (€500).

The fine (*multa*) of five hundred Euros (€500) being hereby imposed on the accused must be paid by him in five (5) consecutive monthly payments of one hundred Euro (€100) each, with first payment of one hundred Euros (€100) falling due one month after his release from prison and the remaining four payments of one hundred Euros (€100) falling due every month thereafter, till payment in full.

The Court explained to the accused the consequences he will face should he fail to pay the fine (*multa*) of five hundred Euros (€500) within the period of five (5) months here being granted to him and as provided above.

The Court further orders that the items and substances forming the merits of these proceedings exhibited as Doc. "H" be forfeited in favour of the Government and consequently destroyed.

MAGISTRATE

DEPUTY REGISTRAR