

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

MAGISTRATE DR JOSETTE DEMICOLI LL.D

**THE POLICE
(Inspector Mark Anthony Mercieca)**

Vs

Antonio Passarelli

Case No: 32/2020

Today 27th July 2020

The Court,

Having seen the charges brought against Antonio Passarelli, of 38 years of age, son of Alessandro and Rachele nee Di Nardo and born in Mugnano in Naples on the 4th April 1981 and residing at 25, Kappara Court, triq il-Buqrajq, San Gwann and holder of Italian Id Card no AU6316456:

For having on these Islands, on the 15th February 2020 and in the previous months:

- 1) Imported, or caused to be imported, or took any steps preparatory to import any dangerous drug (cannabis grass) into Malta against the provisions of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta.
- 2) Imported, or caused to be imported, or took any steps preparatory to import any dangerous drug (cannabis resin) into Malta against the provisions of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta.
- 3) 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 Chapter 101 of the Laws of Malta.

- 4) Had in his possession (otherwise than in the course of transit through Malta of the territorial waters thereof) the resin obtained from the plant cannabis, or any other preparation of which such resin formed the base, in terms of Section 8(a) of Chapter 101 of the Laws of Malta.

Having seen the Attorney General's order in terms of article 22(2) of Chapter 101 of the Laws of Malta

Having seen that the accused admitted to the charges brought against him and that he reconfirmed his guilty plea after being given sufficient time to reconsider his position.

Having seen the acts and documents of the case.

Considered

The accused has admitted to the charges brought against him and thus these have been sufficiently proven.

With regards to the punishment to be meted out the Court is taking into consideration the nature of the offence, the early guilty plea, the criminal record and the declaration made by the Prosecuting Officer that the amount of substance involved was for personal use. However the amounts involved were not minimal and hence a suspended sentence together with a fine are to be imposed.

Decide

For the above-mentioned reasons this Court after having seen after having seen Parts III, IV and V, articles 8(a), 8(d), 22(1)(a), proviso to article 22(1B) and 22(2)(b)(ii) of Chapter 101 of the Laws of Malta and the Regulations of the Subsidiary Legislation 101.02 upon admission finds the accused guilty of the charges brought against him and condemns him to a period of one year imprisonment which period by application of article 28A of Chapter 9 of the Laws of Malta is being suspended for a period of two years and to pay a fine (multa) of one thousand two hundred Euro (€1,200).

Orders the destruction of documents Dok MM1 to MM4 exhibited by the Prosecuting Officer, once this judgement becomes final and definitive, under the supervision of the Registrar, who shall draw up a proces verbal documenting the destruction procedure. The said process verbal shall be inserted in the records of these proceedings not later than fifteen days from the said destruction.

The Court has explained to the accused the consequences if he commits another offence within the operative period of this judgment.

Dr Josette Demicoli
Magistrate