



THE COURT OF MAGISTRATES (MALTA)

As a Court of Criminal Judicature

MAGISTRATE

DR. CAROLINE FARRUGIA FRENDO

*B.A. (Legal and Humanistic Studies), LL.D.,
M.Juris (International Law), Dip. Trib. Eccl. Melit.*

The Police

Inspector Anthony Scerri

vs

Gausu Jabiru

Today 23rd August, 2020

The Court:

Having seen the charges brought against Gausu Jabiru, holder of Police No 19H-025.

Charged with having in these islands on the 21st August, 2020 and on the previous days:

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 his personal use.
2. Committed these offences in, or within 100 metres of the perimeter of, a school, youth club or centre, or such other place where young people habitually meet in breach of Article 22(2) of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta.

3. Disobeyed the lawful orders of an authority or of any person entrusted with a public service or hindered or obstructed such persons in the exercise of their duties, in breach of Article 338(ee) of the Chapter 9 of the Laws of Malta.

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 the Prosecuting Officer read out and confirming on oath the charges brought against the accused during the sitting of the 23rd August, 2020.

Having seen all the documents exhibited in this case which are; person details pertaining to the accused marked as Doc AS1; note of refusal for legal assistance marked as Doc AS2; statement marked as Doc AS3; conviction sheet marked as Doc AS4; order of the Attorney General in the Maltese language marked as Doc AS5; order of the Attorney General in the English language marked as Doc AS6; evidence bag N05875970 marked as Doc AS7 and evidence bag M01395436 marked as Doc AS8.

The Court heard the accused register a guilty plea;

The Court has given the accused sufficient time to reconsider such guilty plea, has ordered the accused to consult with his lawyer of such guilty plea, and has explained the punishment that may be given in relation to the charges brought against him. The accused confirmed his guilty plea.

Has heard oral submissions with regards to the punishment that ought to be inflicted.

Considers:

That the Court has heard the accused's unequivocal guilty plea which plea was confirmed after the Court has granted enough time for the accused to reconsider such plea even after having explained to the accused the weight of such plea, and therefore has taken into consideration the fact that this plea was entered during the early stages of these proceedings and therefore this Court did not have to waste more time in hearing evidence.

Decide:

The Court, after having seen Articles 8(d) and 22(2) of Chapter 101 of the Laws of Malta and Articles 338(ee) of Chapter 9 of the Laws of Malta, finds the accused **Gausu Jabiru** guilty of all the charges brought against him, condemns him to a period of nine (9) months imprisonment and to a fine (multa) of four hundred sixty five Euro and eighty seven cents (€465.87) which is to be immediately converted into imprisonment upon non-payment of the same fine (multa).

The Court further orders the destruction of Documents AS7 and AS8 presented during these proceedings.

Dr. Caroline Farrugia Frendo LL.D.

Magistrate

Nadia Ciappara

Deputy Registrar