



**Court of Magistrates (Malta)
As a Court of Criminal Judicature**

Magistrate Dr. Doreen Clarke LL.D.

Today, the 6th day of May 2021

**The Police
(Inspector Mark Mercieca)**

vs

Muhammed Susso

Drugs number 16/2021

The Court,

Having seen the charges against Muhammed Susso, 23 years of age, son of Ali and Barni nee Shariee, born on the 1st December, 1997 in Lamin (Gambia), residing at Capricorn Crt, Mais 1, Triq A. Caligari, Zabbar and holder of Italian Residence Permit no:I12236257.

Charged him for having on the 29th January 2021 and during the weeks before in these Islands:-

1. Supplied or distributed, or offered to supply or distribute dangerous drugs being a drug restricted and controlled under the provisions of the Medical and Kindred Professions Ordinance to person/s, who are not authorised person/s or for the use of other person/s, without being fully authorised in breach of the Medical and Kindred

Professions Ordinance Chapter 31 of the Laws of Malta and the Drugs (Control) Regulations, Legal Notice 22 of 1985 as amended.

2. Had in his possession the psychotropic and restricted drug without a special authorisation in writing by the superintendent of Public Health, in breach of the provisions of the Medical and Kindred Professions Ordinance Chapter 31 of the 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.
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 the Chapter 101 of the Laws of Malta.
4. Had in his possession the psychotropic and restricted drug without a special authorisation in writing by the superintendent of Public Health, in breach of the provisions of the Medical and Kindred Professions Ordinance Chapter 31 of the Laws of Malta and the Drugs (Control) Regulations, Legal Notice 22 of 1985 as amended.
5. 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

Having seen the orders of the Attorney General issued in virtue of section 120A(2) of Chapter 31 of the Laws of Malta and in virtue of section 22(2) of Chapter 101 of the Laws of Malta for these proceedings to be heard summarily by this Court sitting as a Court of Criminal Judicature.

Having heard the evidence of the prosecution.

Having seen that the defendant admitted the charges brought against him, and that he confirmed this admission of guilt even after having been given time to reconsider his plea.

Having heard the submissions regarding the penalty to be meted out.

Having seen the acts of the proceedings.

Having considered

That defendant admitted the charges brought against him; these are consequently sufficiently proven.

With regards to the penalty to be meted out the Court took into consideration on the one hand the nature of the offences of which the defendant is being found guilty, and on the other hand his clean conviction sheet. The Court also took into consideration defendant's admission and as well as the nature and amount of substance found in his possession.

Wherefore the Court, after having seen sections 40A, 118A(1)(c), 120A(1)(1E)(2)(b)(i), 120A(1)(2)(b)(ii), the second proviso of section 120A(2), and Schedule III of Chapter 31 of the Laws of Malta and Regulation 3 of Legal Notice 22 of the year 1985; sections 8(d) and 22(2)(b)(ii) of Chapter 101 of the Laws of Malta and Regulation 9 of Legal Notice 292 of the year 1939, on his admission finds defendant guilty of the charges brought against him and condemns him to **one (1) year imprisonment and a fine of six hundred Euros (€600)**. By application of section 533 of Chapter 9 of the Laws of Malta the Court is also **condemning the defendant to pay the sum of five hundred and thirty one Euros (€531.00) representing expenses incurred in the appointment of experts.**

The Court is also ordering **the destruction of the substance exhibited in the acts**, 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 proces verbal shall be inserted in the records of these proceedings not later than fifteen days from the said destruction

DR. DOREEN CLARKE
MAGISTRAT