



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

**MAGISTRATE DR ELAINE MERECIECA LL.D**

**POLICE  
(Police Inspector Mark Mercieca  
and Police Inspector Andy Rotin)**

**against**

**CELESTINE OZEBOGIER AIKENOMORIA**

Case No.: 137/2021

**Today, 3<sup>rd</sup> November 2021**

**The Court,**

After having seen the charges brought against the accused, **Celestine Ozebogier Aikenomoria**, of 30 years, son of Aikenomoria, born on the 13<sup>th</sup> November 1990 in Nigeria, residing at 8, Flat 1, Biccieni street, Zabbar and holder of Italian Residence Permit bearing number 110876403;

Charged with having on the 21<sup>st</sup> August 2021 and during the previous months in these islands:

1. Produced, sold or otherwise dealt with the whole or any portion of the plant Cannabis in terms of section 8 (e) of 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 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 (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. 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;
5. On the 21<sup>st</sup> August 2021 carried alcohol in a public place in Marsa, which container was opened and not sealed as per K.I.B.L 34/11/2017;

The Court was also requested that in the event of guilt, apart from inflicting the punishment as prescribed by law, orders as well the confiscation of all objects exhibited.

The Court was further requested to apply article 533(1) of Chapter 9 of the Laws of Malta in connection with the expenses incurred by the Court appointed experts.

Having seen the Order of the Attorney General issued in terms of article 22(2) of the Dangerous Drugs Ordinance (Cap. 101 of the Laws of Malta) for this case to be tried summarily by this Court sitting as a Court of Criminal Judicature;

Having heard all the evidence brought forward and the submissions made by the parties;

Having seen all the documentary evidence and the full acts of proceedings;

**Considers:**

**Inspector Mark Mercieca** testified that on 21st August 2021 he was informed that the Rapid Intervention Unit (hereinafter referred to as RIU) within the Police Force had stopped a man in Marsa whilst he was drinking alcohol in public, he tried to flee from them, and after they managed to apprehend him he was found in possession of 17 sachets containing green substance allegedly cannabis grass. During the same search this person was also found to be in possession of Eur. 70 cash in his black wallet. He refused to give the police his identity documents and also information about his residence. In fact, this person who was subsequently identified as the accused, for the initial hours of his arrest gave the police misleading information about his residence. Subsequently, his residence was located in Haz-Zabbar. His identity documents were found thereat. In his bedroom several electronic devices were seized. The accused was taken to the General Police Headquarters, where a statement was taken. In this statement he mainly said that the substances found by the police were for his personal use. He also gave information about his employment, wage and expenses. He also stated that in certain instances he shares drugs with his friends too.

**Inspector Andy Rotin** testified that on 21st August at about 3pm he was informed by PC299 Damian Cilia that a person was arrested by members of the RIU after being found in possession of 17 sachets suspected of containing

cannabis grass at Telgha tal-Gizwiti, Marsa. Inspector Rotin gave instructions that this person is brought over to the Hamrun police station. PC299 Cilia informed the duty officer within the Drug Squad, Inspector Mark Mercieca, who also joined the investigation team. Inspector Rotin recollects how the accused did not cooperate with the police in the sense that he tried to flee arrest and subsequently he gave misleading information about his residence and the location of his identity documents. In fact, he testifies that initially the accused had told them that his residence and documents were in Gozo and then it transpired that they were in Haz-Zabbar.

**PC167 Philip Camilleri** stated that on 21st August 2021 at about 3pm he was patrolling in Triq il-Gizwiti, Marsa with a colleague of his PC 479 Frank Anthony Portelli. He described that when they arrived at the said street they noticed a group of people lying on the pavement, all without protective mask and next to them there was a man who was standing on a bicycle drinking a 'Bavaria' beer. They spoke to the man who was drinking the beer to inform him that he couldn't drink alcohol thereat in view of a bye-law in force in Marsa. They asked for his particulars but he refused to give the same to the police and tried to flee. He states further that they noticed the said person trying to reach for his shirt as if to protect something, which was later identified as a black plastic bag containing several sachets. Camilleri describes how this person, who was identified as the accused, resisted arrest and was subsequently escorted to the Hamrun Police station. There, in the accused's presence, the police counted the sachets. There were 17 sachets in all. He also stated that the police had seized a black wallet from the accused containing a *Tal-Linja* card and some cash. The witness also recollected how at first the accused had told the police that his documents were in Gozo, subsequently he said that they were at a friend's house in Zabbar. After going to

Zabbar, he told them that he cannot recollect which door it was. At that point in time he was taken to the Drug Squad within the General Police Headquarters in Floriana.

**PC479 Frank Anthony Portelli** stated that he is employed within the RIU with the Malta Police and on 21<sup>st</sup> August 2021 they were patrolling Gizwiti street, Marsa in light of Covid Regulations and other illegalities. He recollects how they noticed a group of people consuming alcohol beverages. They stopped the car to ask them for documents for the issue of a contravention. He stated that he noticed that one of these persons was on a bike trying to flee, hence he stood in front of his bicycle asking him for the documents. He refused to hand over his documents whilst trying to reach under his shirt. He managed to grasp the accused's arm and under his shirt he felt something which was soft as if in a bag. In the meantime, the accused tried to resist arrest and flee. Hence Portelli had to ask for the assistance of his colleague to properly apprehend him. The accused was taken to the Hamrun Police station. They counted the sachets to the total of 17 sachets. After being asked about his documents several times he informed them that these documents were in Gozo, subsequently he informed them that they were in Zabbar. After arriving at Zabbar he insisted with them that first they should call his friend, then he told them that he forgot where the house is located precisely. He asked them to go to Marsa to speak to a person so that this person will be able to call his friend. He gave them a mobile number; through which number they could not reach anyone. Subsequently Portelli explained how they informed the drug squad with what was happening, and they were given instructions to take him there.

During these proceedings, the prosecution asked this Court to appoint two experts one with a view to analyse the substance found in the 17 sachets and another expert to establish the distance of 100m from where the accused was apprehended to a place where youths meet. For this latter scope the Court appointed **Dr. Robert Musumeci**, who in his report concluded that the location in which the accused was apprehended is 43 metres away from a building displaying on its façade the words ‘Arsenal Social Club’ and 51.7 metres away from the ‘Breakwater Garden’ which is a public open space. To analyse the substance found in the 17 sachets seized from the accused, this Court appointed **Pharmacist Godwin Sammut** who following the required analysis concluded that *“Tetrahydrocannabinol was found in the extracts taken from the green buds that are in the exhibit labelled as K/B/301/2021. The total weight of the green buds is 6.01 g. The purity of THC was approximately 22%. Cannabis is controlled under Part III of Chapter 101 of the Laws of Malta.”*

On 8<sup>th</sup> of October 2021, the accused, Celestine Ozebogier Aikenomoria, opted voluntarily to take the witness stand. During his testimony he explained that in August, after he had finished working and was paid by his employer, he went to buy Cannabis for his personal use. He also explained that with the Eur. 70 he had in his possession he intended to buy food. He explained that after he bought the Cannabis he was talking to his friends when the police came and asked them for their ID documents. He explained that he has been using Cannabis for a very long time (since he was in his country) and on that day he had bought cannabis from a ‘black boy in Marsa’<sup>1</sup> for the sum of one hundred and fifty Euros. He stated that he has now been in Malta for the period of four months however he previously

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<sup>1</sup> Fol. 53 of the acts of proceedings.

used to come and go. Throughout his testimony he insisted that the drugs bought and found by the police were intended solely for his personal use and that he had never shared drugs with any of his friends. He also stated that he did not intend to use the 6 grams bought in one day and that he had all the 6 grams in his possession because he had just bought them that very day. The Prosecuting officer confronted him continuously with the statement that he had released during the investigative stage. When asked about the inconsistencies between the statement released to the Police and his testimony, he confirmed that he actually signed the statement, but he said that it is not what he said to the Police. Whilst testifying under oath the accused admitted that he was drinking beer when the police had stopped and apprehended him.

### **Considers further:**

The **facts in brief** which are not being contested are that whilst the police were patrolling Triq il-Gizwiti, l-Marsa, they noticed a group of people, amongst them the accused who was standing up drinking a beer. The police asked them for their ID documents and particulars. The accused did not cooperate, and he tried to flee the police, whilst trying to protect something under his shirt. The police stopped and apprehended him finding under his shirt a black bag containing 17 sachets. Each of the 17 sachets contained a greenish substance. Upon analysis of this substance by the Court appointed expert, Pharmacist Godwin Sammut, it resulted that Tetrahydrocannabinol was found in the extracts taken from the substance found in possession of the accused. The total weight of the substance found was that of 6.01 grams and the purity of the THC was approximately 22%. The weight of each individual sachet was as follows: 0.35g; 0.36g; 0.33g; 0.34g; 0.36g;

0.41g; 0.36g; 0.35g; 0.34g; 0.34g; 0.39g; 0.36g; 0.35g; 0.35g; 0.34g; 0.33g; 0.35g. A search was also conducted at his residence wherein they found no illegal substances however various electronic devices were found.

By virtue of the **first charge**, the accused is being accused that he produced, sold or otherwise dealt with the whole or any portion of the plant Cannabis in terms of section 8 (e) of the Dangerous Drugs Ordinance, Cap. 101 of the Laws of Malta. In his testimony the prosecuting officer declared:

*“He was given the charge of trafficking because during the statement he said that he shares drugs with his friends too.”<sup>2</sup>*

In his statement<sup>3</sup>, after being duly cautioned and after refusing legal advice<sup>4</sup>, the accused in this regard stated:

*“Q. Have you ever sold or shared with others?”*

*A. When I’m smoking it’s normal we smoke and share the joint together.*

*Q. And who buys the cannabis you or your friends?”*

*A. We all share.”<sup>5</sup>*

In his deposition<sup>6</sup> during these proceedings, the accused declared on oath that:

*“Pros.: You told us that you share drugs with your friends and they buy for you and you buy for them*

*Witness: I told you that I share drugs?”*

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<sup>2</sup> Fol. 20 of the acts of proceedings.

<sup>3</sup> Found at fol. 23 of the acts of proceedings.

<sup>4</sup> Reference is made to the declaration exhibited at fol. 22 of the acts of proceedings.

<sup>5</sup> Fol. 24 of the acts of proceedings.

<sup>6</sup> Fol. 46 et seq of the acts of proceedings

*Pros.: Yes.*

*Witness: I did not tell you that I share drugs.*

*Pros.: It is written here*

*Witness: No I didn't told you,"<sup>7</sup>*

In considering these versions, this Court makes reference to article 637 of the Criminal Code which stipulates:

*Any objection from any of the causes referred to in articles 630, 633 and 636, shall affect only the credibility of the witness, as to which the decision shall lie in the discretion of those who have to judge of the facts, regard being had to the demeanour, conduct, and character of the witness, to the probability, consistency, and other features of his statement, to the corroboration which may be forthcoming from other testimony, and to all the circumstances of the case (emphasis of this Court).*

The Court has seen the accused's demeanour and conduct whilst he testified. The Court observed first-hand the way that accused several times tried to evade and twist the questions put forward to him throughout his testimony. In fact, when the prosecuting officer asked him about the sharing of drugs with his friends, a fact to which he makes reference to in his statement. The accused's reply did not focus on the sharing of drugs itself but on whether he had actually said so or otherwise in the statement, which later on in his deposition he confirms he signed. Hence in this regard the Court does not find his testimony credible and is not going to rely on the said testimony for the purpose of this charge. Having said so, in his statement, the accused never declared that he sold drugs to his friends. Although being asked by the investigator officer whether he sold or shared drugs with his friends, the accused's reply referred solely to sharing but never to selling drugs to his friends. Additionally, his declarations about the sharing of drugs does not

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<sup>7</sup> Fol. 48 of the acts of proceedings.

specifically refer to any period of time. Hence in light of this, this Court does not deem that sufficient evidence exists to show that the accused had sold or offered drugs to his friends in the period indicated in the charges. For this reason, the Court does not deem that this first charge has been sufficiently proven in terms of law.

By virtue of the **second charge**, Celestine Ozebogier Aikenomoria was charged with having in 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 article 8(d) of the Dangerous Drugs Ordinance, Cap. 101 of the Laws of Malta, which drug was found under circumstances denoting that it was not intended for his personal use. From the evidence presented in this case it clearly results that the accused was found red-handed in possession of the 17 sachets containing cannabis in the total weight of 6.01 grams. In fact, as previously stated this is not being contested by the defence. However, the defence is strongly suggesting that this substance was intended solely for personal use.

Consequently, the Court must now determine whether it has been proved, beyond any reasonable doubt, that accused's possession of the said cannabis was intended for his personal use exclusively or otherwise.

In its judgement of 12th May 2005 in the names Il-Pulizija vs Marius Magri, the Court of Criminal Appeal held that:

*“Illi dawn il-kazijiet mhux l-ewwel darba li jipprezentaw certa diffikolta` biex wiehed jiddetermina jekk id-droga li tkun instabet kienitx intiza għall-uzu personali jew biex tigi spjaccjata. Il-principju regolatur f'dawn il-kazijiet hu li l-Qorti trid tkun sodisfatta lil hinn minn kull dubbju dettat mir-raguni w a bazi tal-provi li jingabu mill-prosekuzzjoni li l-pussess tad-droga in kwistjoni ma kienx għall-uzu esklussiv (jigifieri għall-uzu biss)*

*tal-pussessur. Prova, ossia cirkostanza wahda f'dan irrigward tista', skond ic-cirkostanzi tal-kaz tkun bizzejjed."*

In the case Il-Pulizija vs Brian Caruana, decided by the Court of Criminal Appeal on 23rd May 2002, the Court held the following:

*"kull kaz hu differenti mill-iehor u jekk jirrizultawx ic-cirkostanzi li jwasslu lill-gudikant ghall-konvinzjoni li droga misjuba ma tkunx ghall-uzu esklussiv tal-akkuzat, fl-ahhar mill-ahhar hija wahda li jrid jaghmelha l-gudikant fuq il-fatti specji li jkollu quddiemu w ma jistax ikun hemm xi "hard and fast rule" x'inhuma dawn ic-cirkostanzi indikattivi. Kollox jiddependi mill-assjem tal-provi w mill-evalwazzjoni tal-fatti li jaghmel il-gudikant u jekk il-konkluzjoni li jkun wasal ghaliha il-gudikant tkun perfettament raggungibbli bl-uzu tal-logika w l-buon sens u bazata fuq il-fatti, ma jispettax lil din il-Qorti li tissostitwiha b'ohra anki jekk mhux necessarjament tkun l-unika konkluzzjoni possibbli"*

In this case the accused was found in possession of 6.01grams of Cannabis, an amount considered as being indicative of both trafficking and personal use. Hence in this Court's view, it is imperative that the Court analyses all the circumstances of this case and not rely simply on the amount found to determine whether the possession was one for personal consumption or else for trafficking.

The first consideration is how the illegal substance was found in the accused's possession. As mentioned earlier on the 6.01 grams were not found in one sachet but in seventeen different sachets. The amount of these sachets is considerable and is definitely indicative of drug trafficking especially when considering the circumstances in which they were found (as will be mentioned later on in this paragraph). In addition to this, upon analysis by the court appointed expert, it was

concluded that each sachet of the 17 sachets contained more or less the same amount<sup>8</sup>. This once again is indicative of trafficking. Furthermore, the full 6.01 grams were all found physically on his person whilst at Marsa in an area which is renowned for drug trafficking and none of it was found at home. In fact in their testimonies the police officers who conducted the search in his residence did not report that they found any materials which would indicate drug use at home by the accused (like for instance used empty sachets) as one would expect if the accused was using drugs to the extent that he mentions in both his statement and deposition. In the Court's opinion all this is indicative that the illegal substances found in the accused's possession were not intended for his personal use.

In this regard, the Court also cannot not make reference to the way that the accused reacted when he saw the police officers. In fact he was reported by the same as trying to flee and resisting arrest. He also gave misleading information about his residence and the location of his documents. In the Court's view this was done because the accused was aware of his illegalities. When asked for the reason why during his testimony the accused consistently attributed this to fact that he was drinking beer outside.

*“Pros.: when you saw the Police coming toward you, why did you try to avoid them? To go away.*

*Witness: Because I was with a can of beer in my hand so when they come I tell them that I need to drop this in the garbage because I was already finished.*

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<sup>8</sup> The weight of each individual sachet was as follows: 0.35g; 0.36g; 0.33g; 0.34g; 0.36g; 0.41g; 0.36g; 0.35g; 0.34g; 0.34g; 0.39g; 0.36g; 0.35g; 0.35g; 0.34g; 0.33g; 0.35g. Please refer to page 2 of Doc. GS.

*Pros.: So why did you tell them that you live in Gozo and they were going to Gozo with you?*

...

*Witness: Because I was nervous I did not want to take them to my home that the first place because I was like scared you know, I thought that they were going to give me charge for the beer. That was all. ....*”<sup>9</sup>

However, in his statement to the police, the accused had actually admitted that he was not aware that he couldn’t drink alcohol outside in Marsa in view of a bye-law in force.

*Q: You were arrested in Marsa while you were outside drinking alcohol, are you aware that it is against the law to drink alcohol in the streets in Marsa according to an issue byel-law?*

*A: No I was not aware.* <sup>10</sup>

Hence it naturally follows, that in the Court’s view the accused resisted arrest and gave misleading information about his residence wherein his identity documents were, in view of the drug related illegalities and not as he stated in his deposition because he was drinking a beer (given that he was not even aware of the existence of the bye-law as he admitted in his statement). In fact, none of the other people who were noticed with him drinking tried to flee. He was the only one. Here it is also relevant that one of the police officers described how he was holding something under his shirt whilst trying to flee. Later on, in that spot, they found the bag containing the 17 sachets.

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<sup>9</sup> Fol. 51 and 52 of the acts of proceedings.

<sup>10</sup> Fol. 25 of the acts of proceedings.

Finally, this Court makes reference to the ample inconsistencies between the accused's versions: that given in his statement to the police and that given on oath in front of this Court. With regard to the latter, this Court make reference to previous declarations made in this judgement in connection with the accused's demeanour and conduct on the witness stand pointing towards the lack of credibility of the version given on oath. Particularly with regards to his income and expenses, in his statement to the police the accused had declared that his income was not a consistent one and that in the previous month he had earned Eur. 680. He also declared that he did not manage to work for this month. From that income he had to deduct his expenses which he lists as being the house (Eur. 300 per month) and approximately Eur 50 on a weekly basis for food. In addition to these expenses he also admits to smoking two sachets a day. In his statement he also states that he had bought those 17 sachets for Eur. 150. If one were to believe that all of those 17 sachets were for personal use and as the accused declared he uses two sachets a day, than that would mean that the amount he had in his possession would have been used more or less within a week (7 days). Hence even if one ignores the fact that in the month in which he was arrested he did not manage to work, from the previous months' income - Eur. 680 one had to deduct at least Eur. 300 rent per month (if not Eur. 600 x 2 months i.e. including the month in which he did not work) and Eur. 200 weekly (consisting of Eur. 50 (food expenses) + Eur. 150 (illegal substances) per week). His food and drug related expenses would total to Eur. 800 per month. This totals his monthly expenses to Eur. 1,100 (Eur. 300 + Eur. 800). Hence, in the Court's view there was not enough legitimate income to sustain his alleged exclusive personal use of Cannabis. Consequently these circumstances (related to his income and expenses) also indicate that the drugs found in his possession were not intended for his personal use. In his testimony before this Court the accused changed his

version stating that not only it was not true that he did not work in the month he was arrested but he was also working two jobs at the same time. However, as this Court has had the opportunity to declare even earlier on in this judgement the Court is of the firm opinion that the version given by the accused in his statement to the police is by far more credible than that given in his testimony.

Hence in view of all these circumstances this Court believes that the prosecution has managed to sufficiently prove that the drugs found in the accused's possession were not intended for his personal use. Hence the prosecution has managed to sufficiently prove this second charge beyond reasonable doubt.

The **third charge** relates to the accused simple possession of cannabis. Both in his statement to the police and even in his testimony before this Court, the accused consistently declared that he smokes cannabis on a daily basis. Hence in view of these declarations, this Court is of the opinion that the prosecution has managed to sufficiently prove the third charge beyond reasonable doubt as required in terms of law.

The **fourth charge** relates to the fact that the charges proffered against the accused were committed within 100 metres of the perimeter of a school, youth club or centre, or such other place where young people habitually meet. In light of what have been said in this judgement with regards to the first charge, this grievance is only going to being considered in light of and with combination to the second charge namely that of possession not intended for personal use. Here reference is made to the report submitted by the court appointed expert, Dr. Robert Musumeci, who in his conclusions declared:

*“Route distance between the location where the accused was allegedly intercepted and the underground building accessible from street level at*

*Trejqa Gizwiti and having a sign mounted on the external façade displaying the words ‘Arsenal Social Club’: 43 metres;*

*Route distance between the location where the accused was allegedly intercepted and access to the public open space known as ‘Breakwater garden’: 51.7 metres;”*

The Court notes that the second proviso to article 22(2) of Cap. 101 of the Laws of Malta stipulates:

*“Provided further that where a person is convicted as provided in paragraph (a)(i) or paragraph (b)(i) and the offence has taken place in, or within 100 metres of the perimeter of, a school, youth club or centre, or such other place where young people habitually meet ... the punishment shall be increased by one degree.”*

The Court finds no reason to depart from the said expert’s opinion in connection with the distance. However, from the reading of the aforementioned proviso it is clear that the legislator was not making reference to any club but specifically to a youth club. The Court of Criminal Appeal has consistently held that this criterion must be established in an objective manner<sup>11</sup>. In this case, the Court has absolutely no evidence at hand that the Arsenal Social Club is in fact a youth club or that it is a place where young people habitually meet. Likewise, the Court was presented with no evidence that indicated that the Breakwater Garden is a place where young people habitually meet. Hence the Court is of the view that the prosecution did not manage to sufficiently prove that for the purposes of the second charge the accused was in possession of the cannabis within the distance of 100 metres from a place where young people habitually meet.

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<sup>11</sup> Reference is made to judgements: Pulizija vs. Jason Xuereb dated 9<sup>th</sup> June 2009 and Police vs Abdikarim Isman Omar dated 29<sup>th</sup> October 2018.

With regards to the **fifth and last charge**, particularly that of carrying alcohol other than in a sealed unopened container in a public place in Marsa the Court notes that in his testimony the accused confirmed that he was drinking alcohol in a public place in Marsa.

*“Pros.: Am I right that you were consuming alcohol at that moment? You were having a can of beer?”*

*Witness: I am not the only one drinking there.*

*Pros.: No you were drinking yes or no?*

*Witness: Yes I was drinking*

*Pros.: What?*

*Witness: A beer”*

This was also confirmed by the testimony of the police officers who went up to the accused upon his arrest. PC167 Philip Camilleri stated:

*Pros.: You said he was drinking alcohol and you talked to him regarding the byelaw. You know exactly what he was drinking? How did you manage to be aware that he was consuming alcohol?*

*Witness: he was drinking a ‘Bavaria’ content I can recognise it, it was in his hand and he was on his bicycle and the ‘Bavaria’ content was in his hand I can recognise the drink.”*

Hence in light of this the Court is of the view that this last charge has also been sufficiently proven in terms of law.

### **Considers further:**

That for the purpose of punishment to be inflicted, this Court is taking into account the clean conduct sheet of the accused, the serious nature of the charges proffered against the accused, the conduct of the accused, and the amount of drugs found in his possession.

### **Decide:**

For these reasons the Court, after having seen articles 8(e), 8(d), 22(1)(a), 22(2)(b)(i) and (ii) of the Dangerous Drugs Ordinance, Cap. 101 of the Laws of Malta, sections 4 and 7 of the Beverages in Glass Containers and Consumption of Alcohol in Public Places (Marsa Local Council), Bye-Laws, 2017 (L.C.B.L 34/11/2017); and article 17 of the Criminal Code, acquits the accused **Celestine Ozebogier Aikenomoria** of the first and fourth charges brought against him whilst it **finds him guilty of the second, third, and fifth charges brought against him and condemns him to eight months effective imprisonment** (from which period one must deduct the period of time, prior to this judgement, during which the person sentenced has been held in preventive custody in connection with this case) **and to the payment of a fine (multa) of seven hundred euros (Eur. 700).**

Additionally, in terms of article 533 of Chapter 9 of the Laws of Malta, the Court is ordering the accused to pay the Registrar of this Court the sum of three hundred twelve Euros and eighteen euro cents (Eur. 312.18) representing expenses incurred in the employment of experts in relation to the charges for which he was found guilty. The Court is also confiscating document marked as MM3.

Furthermore, the Court is ordering the destruction of the contents of Document MM2, once this judgement becomes final and definitive, under the supervision of the Court Registrar, who shall draw up a process-verbal documenting the destruction procedure. The said proces-verbal shall be inserted in the records of these proceedings not later than fifteen days from said destruction.

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MAGISTRATE DR. ELAINE MERCIECA BA. LL.D.

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Christine Farrugia

Deputy Registrar