



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

MAGISTRATE DR ELAINE MERCIECA LL.D

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

Vs

CLEMENT ARTHUR ERENA

Case No: 167/21

Today, 6th December 2021

The Court,

Having seen the charges brought against **Clement Arthur Erena**, of 30 years, son of Oliver and Elisabeth nee' Philibert, born on the 8th March 1991 in Paris, France, residing at Appartment 1003, Balluta Harbour 1000, Triq Birkirkara, San Giljan and holder of French identity card number 210234353143:

Accused for having on these Islands, on the 14th October 2021 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) 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.

Having seen the Attorney General's order dated 5th November 2021 in terms of article 22(2) of Chapter 101 of the Laws of Malta for these proceedings to be heard summarily by this Court as a Court of Criminal Judicature;

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;

Having seen the acts and documents of the case;

Having seen the declaration made by the Prosecuting officer during today's sitting, 6th December 2021, whereby he declared that from the investigation it transpires that the amount of illegal substance imported was intended solely for the accused's personal use.

Having heard submissions with regards to the penalty which should be meted out;

Considered

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

With reference to the penalty to be meted out, the Court, is taking into consideration the nature of the offence for which the accused is pleading guilty, the nature and amount of substance merits of this case; the accused's guilty plea at the earliest stage possible, the clean criminal record and the declaration made by the Prosecuting Officer that the substance involved was intended for the accused's personal use.

Decide

For the above-mentioned reasons, this Court, after having seen articles 7, 8(a), 8(d), 15A, 22(1)(a) and 22(2)(b)(ii) of Chapter 101 of the Laws of Malta, upon his admission, finds the accused guilty of the charges proffered against him and condemns him to pay a fine (multa) of one thousand two hundred Euros (€1200);

The Court is also hereby ordering the destruction of illegal substance exhibited in these proceedings, once this judgement becomes final and definitive, which destruction should be done under the supervision of the Registrar, who shall also draw up a process verbal documenting the destruction procedure. The said process verbal shall be inserted in the records of these proceedings by not later than fifteen days from the said destruction.

Dr Elaine Mercieca
Magistrate

Christine Farrugia
Deputy Registrar