



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

**MAGISTRATE DR. NOEL BARTOLO
B.A., M.A. (Fin. Serv.), LL.D.**

Today 27th August, 2023

**The Police
(Inspector Brian Xuereb)**

vs.

Kyrese Gabriel Kerwin Lares

The Court,

After having seen the charges brought against the accused: **Kyrese Gabriel Kerwin Lares**, son of Curtis and Kelly nee` Payne, residing at 95, Triq it-Tiben, Swieqi, holder of British Passport bearing number 127717161, born in Hammersmith, England on the 1st of October 2005

Accused with having on the 26th of August 2023, at around 03:15hrs, in St. George's Street, St. Julian's, Malta and/or on 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 the Chapter 101 of the Laws of Malta;*

Having examined all the documents forming part of the proceedings.

Having seen the order of the Attorney General for this case to be dealt with before this Court (Doc. BX 5).

Having heard the accused plead guilty to the charges brought against him, and having heard him confirm his guilty plea after the Court warned him in the most solemn manner of the legal consequences of his guilty plea and after having given him sufficient time within which to reconsider and/or withdraw his guilty plea and consult again with his lawyer.

Considers

That, as a consequence of the admission of the accused of the charges brought against him, the said charges brought against the accused have been sufficiently proven.

With regards to the punishment to be inflicted against the accused, the Court took into consideration various factors, including: the nature of the charges brought against the accused and the submissions of the defense and prosecution during the sitting of the 27th August 2023 with respect to the punishment where they suggested the punishment of imprisonment the period of which is suspended in terms of law.

Decide:

Therefore, the Court, for the above reasons and after having seen and considered *inter alia* Articles 8(e) and 22(2) of Chapter 101 of the Laws of Malta, finds the accused **Kyrese Gabriel Kerwin Lares**, on his own admission, guilty of the charges brought against him and condemns him **to a period of 12 months imprisonment which in terms of Article 28A of Chapter 9 of the Laws of Malta shall be suspended for a period of two (2) years from today. Moreover the Court orders the destruction of the illicit substance exhibited in the records of this case and marked as Doc BX 6 once this judgement becomes *res judicata* and this under the direction of the Registrar of Courts who shall compile a *proces verbal* documenting the destruction, which document is to be inserted in the records of this case by no later than fifteen days from such destruction.**

Finally in relation to the request of the Prosecution as contained in the charge sheet where the Court was requested to condemn the defendant, in case of guilt, for the payment of costs in connection with the appointment of experts as

contemplated in Article 533 of Chapter 9 of the Laws of Malta, the Court rejects such request since no evidence has been brought forward in this regard.

Dr. Noel Bartolo
Magistrate

Caroline Perrett
Deputy Registrar