



Criminal Court

Hon. Judge Consuelo Scerri Herrera, LL.D., Ph.D.

Bill of Indictment no 9/2023

The Republic of Malta

vs

Pedro Augusto Charret

Today, the 5th September 2023

The Court,

Having seen the charges brought against the accused **Pedro Augusto Charrett**, holder of Brazilian passport number YC83362 in front of the Court of Magistrates (Malta), as a Court of Criminal Inquiry wherein he is charged with having on the 27th of June 2021 in these Islands:

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 the Chapter 101 of the Laws of Malta, **which drug was**

found under circumstances denoting that it was not intended for his personal use.

The Court was humbly requested to attach in the hands of third parties in general all moneys and other movable property due or pertaining or belonging to the accused, and further to prohibit the accused from transferring, pledging, hypothecating or otherwise disposing of any movable or immovable property in terms of Article 22A of the Dangerous Drugs Ordinance Chap 101 of the Laws of Malta, of Article 5(1)(a)(b) of the Prevention of Money Laundering Act Chapter 373 as well as to issue orders as provided for in articles 5(1) and 5(2) of the same Act and of Article 23A of the Criminal Code Chapter 9 of the Laws of Malta.

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

The Court was 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 joint application of the Attorney General and the accused Pedro Augusto Charret presented in the registry of this Court on the 26th July 2023, wherein the parties declared that they have reached an agreement in terms of article 453(A) of the Criminal Code humbly requested this Honourable Court will consist of effective imprisonment of eight (8) years together with a fine multa of twenty five thousand Euros (Euro 25,000) and this in addition to any other sanction and/or other consequence resulting from the declaration of guilt and conviction in terms of Chapter 9 and 101 of the Laws of Malta, including the confiscation of all assets and property moveable and immovables belonging to the same applicant accused Pedro Augusto Charret, according to law.

Considers,

Having seen that the accused has understood the importance of this joint application and punishment therein mentioned as stated by him during the sitting of the 22nd of August 2022 and thus confirmed his guilt.

Having heard the evidence with regards to punishment.

Having seen the updated conduct sheet of the accused, which is pristine without the registration of any offence.

Considers,

Having seen the case-law of this Court, specifically in connection with charges of association and trafficking in the drug cannabis.

Having heard the testimony of Dr Godwin Sammut who exhibited his report marked Dok GS in the acts of these proceedings (Dok GS fol. 35) in front of the Court of Magistrates as a Court of Criminal Inquiry, wherein he concluded that the alleged substance is tetrahydrocannabinol, the total weight of the green buds was three kilos (3kg) and the purity of THC in the buds was approximately twenty-two per cent (22%).

Having seen the case-law regarding punishment inflicted when the accused registers an early admission of guilt, particularly: "**Ir-Repubblika ta'Malta vs. Nicholas Azzopardi**¹"; "**Ir-Repubblika ta' Malta vs. Mario Camilleri**²" "**Il-Pulizija vs. Emmanuel Testa**³" (kif ukoll BLACKSTONE'S CRIMINAL PRACTICE (Blackstone Press Limited 2001 edit);

¹ Decided by the Criminal Court of Appeal on the 24th February 1997

² Decided by the Criminal Court of Appeal on the -5th July 2002

³ Decided by the Criminal Court of Appeal on the 17th July 2002

The Court, in this particular case, adheres to the request of the Attorney General and the accused Pedro Augusto Charret in their joint application of the 26th July 2023 and subsequently, after having seen articles 2, 7, 8(d), 8(e), 12, 20, 22(1)(a)(e)(f) (1B)(2)(a)(i)(ii) (3A) (a)(b)(c)(d)(7), 22A, 24A, 26 and 29 of the Dangerous Drugs Ordinance Chapter 101 of the Laws of Malta, regulations 9 and 16 of the 1939 Regulations on the Internal Control of Dangerous Drugs (G.N. 292/1939) and of articles 17, 23, 23A, 23B, 23C and 533 of the Criminal Code, condemns Pedro Augusto Charret to eight (8) years effective imprisonment together with a fine multa of twenty five thousand Euros (Euro 25,000) which in default of payment will be converted to a further term of imprisonment according to law in terms of article 11 of the Criminal Code.

Moreover, in terms of article 533 of the Criminal Code condemns Pedro Augusto Charret to pay the sum of two hundred and three euros and three euro cents (€203.03), which sum represents the expenses incurred for the Court nominated expert Dr Godwin Sammut, the sum of seventy seven euros ninety euro cents (€77.90) which sum represents the expenses incurred for the Court nominated expert PS 186 Kristian Mintoff, to pay the sum of one hundred and sixty seven euros and seventy nine euro cents (€167.79) , which sum represents the expenses incurred for the Court nominated expert Keith Cutajar, to pay the sum of ninety seven euros twenty five euro cents (€75.25), which sum represents the expenses incurred for the Court nominated expert PS 385 Edgar Dalli, which amounts total the sum of five hundred and twenty five euros eighty seven euro cents (€523.87).

If the expenses are not paid within a year from the date of this judgment, they will be converted to a term of additional imprisonment according to law.

Moreover, orders the forfeiture in favour of the Government of Malta of all the property involved in the said crimes of which they have been found guilty and other moveable and immovable property belonging to the said Pedro Augusto Charrett.

Finally, orders the destruction of all the objects exhibited in Court, consisting of the dangerous drugs or objects related to the abuse of drugs, which destruction shall be carried out by the Assistant Registrar of the Criminal Court, under the direct supervision of the Deputy Registrar of this Court who shall be bound to report in writing to this Court when such destruction has been completed, unless the Attorney General files a note within fifteen days declaring that said drugs are required in evidence against third parties.

(ft) Consuelo Scerri Herrera

Judge

Maria Grech

Deputy Registrar