



In the Criminal Court of Appeal

Hon Madame Justice Dr. Consuelo Scerri Herrera LL.D Ph.D

Appeal Number: 360/2023

The Police

(Inspector Dennis Theuma)

vs

Uchena Anya

Today 13th of March 2024

The Court,

Having seen the request made by the appellant Anya Uchenam during the court sitting dated 8th of February 2024 and having heard the oral submissions made by the defence lawyer and by the Attorney General during the sitting of the 5th of March 2024 wherein the defence requested that this case is left in abeyance until the white paper regarding amendments to the Drug Laws are passed in parliament.

Having heard Dr Franco Debobo state that during the time that laws are discussed in parliament especially in committee stage many amendments that which may not be thought of in the bill are treated and dealt with, which amendments could possibly have a bearing on the case in question. He said that he was not in a position to indicate which of the proposed changes bears an influence on the case under examination as he insisted

that the proposed amendments until the new laws are finally enacted. He said that he cannot read the future and thus cannot state what laws can actually affect the evidence in this case.

Having heard the Attorney General object to such a request since it is not automatic that these proposed amendments are reflected in the white paper will have a bearing on the case under review and it would be unjust to leave this case on hold until the law may change and may have a bearing on this case.

The Court asked the defence to outline which proposed amendments can affect the outcome of this case and the defence was not in a position to identify.

Considers,

This Court is well aware of the continuous legislative changes that are taking place in regard to dangerous illicit substances. However, in the mean time, Court procedures have to carry on progressing. It is inconceivable that the Court would wait for Parliament to legislate on the amendments to the offences regarding illegal substances as otherwise, if this were to be the case, all pending cases relating to the Drug Ordinance and Medical Kindred and Profession Ordinance would be brought to a standstill.

These proceedings date back to the year 2010, thus fourteen years ago. The appellant was arraigned in Court in December 2010 and his case was decided before the Courts of Magistrates as a Court of Criminal Judicature only on the 16th March 2021. On the 13th June 2022 a preliminary judgement was given by this Court presided over by a different judge in relation to the request of the defence with regard to a plea of nullity which plea was dismissed.

The Court took note that this case got assigned to her subsequent to the abstention of Mr Justice Neville Camilleri on the 26th September 2023.

The Court thus notes that already three years have elapsed since this case was decided by the First Court and thus the Court orders the continuation of this case and rejects the plea of the defence.

Dr Consuelo Scerri Herrera

Hon Madame Justice

Maria Grech

Deputy Registrar