



## CRIMINAL COURT

**Hon. Mr. Justice Dr. Neville Camilleri**  
**B.A., M.A. (Fin. Serv.), LL.D., Dip. Trib. Eccles. Melit.**

**Number 597/2022/1**

**The Republic of Malta**

**vs.**

**Lamin Jobe**

Today 16<sup>th</sup>. of May 2024

The Court,

Having seen the charges brought against the accused **Lamin Jobe**, of twenty one (21) years, born in Gambia, on the 6<sup>th</sup>. of April 2001, with no fixed residence in Malta, and holder of Gambian Passport Number PC648634, charged in front of the Court of Magistrates (Malta) as a Court of Criminal Inquiry of having on the 11<sup>th</sup>. of October 2022, and/or in the previous months, in these Maltese 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 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 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 (Chapter 101 of the Laws of Malta) and of Article 23A of the Criminal Code (Chapter 9 of the Laws of Malta), and Article 36 of Chapter 621 of the Laws of Malta.

The Court was also requested to apply Section 533(1) of Chapter 9 of the Laws of Malta, with regards to the expenses incurred by the Court appointed experts.

Having seen the minutes of the proceedings held in front of the Court of Magistrates (Malta) as a Court of Criminal Inquiry precisely those of the 22<sup>nd</sup>. of January 2024 (*a fol.* 375), of the 27<sup>th</sup>. of February 2024 (*a fol.* 379) and of the 12<sup>th</sup>. of March 2024 (*a fol.* 380), whereby the accused admitted all the charges brought against him and eventually confirmed such guilty plea even after that Court solemnly warned him of the legal consequences of the said admission and allowed him a period of time for him to re-consider his decision.

Having seen the Note of the Attorney General filed on the 2<sup>nd</sup>. of April 2024 (*a fol.* 385), whereby it was declared that:

1. The Attorney General received a scanned copy of the record of the inquiry in the names of **The Police [...] vs. Lamin Jobe** on the fifteenth (15<sup>th</sup>) day of March of the year two thousand and twenty four (2024), and this after the Court of Magistrates (Malta) as a Court of Criminal Inquiry ordered that the record of the said inquiry be sent to the Attorney General in terms of Article 392B(1)(a) of Chapter 9 of the Laws of Malta, and this in view of the fact that the person charged, namely Lamin Jobe, in the sitting held on the twelfth (12<sup>th</sup>) day of March of the year two thousand and twenty four (2024), confirmed his guilty plea with regards to the charges brought against him, which offences are liable to a punishment exceeding twelve (12) years imprisonment;
2. Whereas, in terms of Article 392B(2) of Chapter 9 of the Laws of Malta, the charges proffered against the said Lamin Jobe before the Court of Magistrates (Malta) as a Court of Criminal Inquiry, to which the accused registered the aforementioned guilty plea, should be considered as a Bill of Indictment for all the purposes and effects of law.

Having seen the decree of this Court of the 9<sup>th</sup>. of April 2024 whereby the case was appointed for hearing for the sitting of the 23<sup>rd</sup>. of April 2024.

### **Considers**

That in view of the declaration of guilt filed by the accused Lamin Jobe before the Court of Magistrates as here-above mentioned, which admission of guilt was reaffirmed by him after having been given due time according to law to re-consider the same, this Court declares the accused Lamin Jobe guilty of having:

on the 11<sup>th</sup>. of October 2022, and/or in the previous months, in these Maltese 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 Chapter 101 of the Laws of Malta, which drug was found under circumstances denoting that it was not intended for his personal use.

Having seen the acts of the proceedings both in front of the Court of Magistrates and those in front of this Court.

Having heard the oral submissions of the defence and the Prosecution.

### **Considers**

That in his testimony Prosecuting Officer Marshall Mallia (*a fol. 21 et seq.*) testified that on the 11<sup>th</sup>. of October 2022 at around 4.30pm he was informed by Customs Officer Anthony Scerri that they had just stopped a male person at Malta International Airport who had arrived in Malta on a Ryanair flight from Bologna. He testified further that upon a search in his luggage, suspected cannabis grass was found. He says that he sent police officers to the Malta International Airport where the person who was stopped was taken to his office. He recognised this person as being the accused.

That in this case the amount of drugs found in the possession of the accused was substantial, the accused facing charges of importation and having in his possession drugs which was found under circumstances denoting that it was not for his personal use. In his report marked as Doc. "GS" (*a fol. 109 et seq.*), Scientist Dr. Godwin Sammut reached the following conclusions (*a fol. 113*):

"From the results obtained above, the following conclusion can be stated:

- (a) Tetrahydrocannabinol (THC) was found on extracts taken from the buds that are in the document 180\_22\_01. The total weight of the buds was 6kg, while the purity of THC in the buds in 4 of the packets was approximately 3.7%, while in the other 2 packets the purity was approximately 0.4%. Tetrahydrocannabinol is an extract of the cannabis plant and is controlled under Part III Section 8 of Chapter 101 of the Laws of Malta.
- (b) According to the last report presented by Malta to the EMCDDA, and which contains data related to drug value was in the *Country Drug Report 2017* the drug value for herbal cannabis was given as ranging from EUR10 to EUR28. This would give a total range from €60,000 to €168,000.”

## Considers

That in considering the punishment to be inflicted on the accused for the charges brought against him, this Court will be taking into consideration various factors, particularly the amount of drugs involved being 6 kilogrammes of cannabis, its value as indicated by the Scientist and the role of the accused being aware of his participation. The Court will also take into consideration the purity related to the drugs found and the accused's admission of guilt. Now the punishment for the offences which the accused is being accused of carry a term of imprisonment for life. However in the circumstances of this case, this Court deems that the punishment of life imprisonment would not be appropriate and this when taking into account the admission of guilt by the accused in front of the Court of Magistrates (Malta) as a Court of Criminal Inquiry. However the punishment cannot be meted out in its minimum taking into consideration the circumstances outlined above.

That this Court took cognizance of various judgments delivered by this Court as differently presided, amongst which, but not limitedly, to the following:

- **The Republic of Malta vs. Martin Aghanti** (Number 7/2017) decided on the 5<sup>th</sup>. of July 2018;
- **The Republic of Malta vs. Thomas James Appleby** (Number 3/2019) decided on the 21<sup>st</sup>. of July 2019;
- **The Republic of Malta vs. Joseph Papa Smith** (Number 12/2018) decided on the 1<sup>st</sup>. of July 2020;
- **Ir-Repubblika ta' Malta vs. Brian Godfrey Bartolo** (Number 15/2015) decided on the 1<sup>st</sup>. of February 2021;
- **Ir-Repubblika ta' Malta vs. Geraldine Mora Huizi** (Number 11/2020) decided on the 9<sup>th</sup>. of March 2021;
- **The Republic of Malta vs. Tiberiu-Mihail Miculescu** (Number 21/2021) decided on the 23<sup>rd</sup>. of November 2023.

That considering the circumstances of this case and considering what has been stated above, this Court, whilst noting that it is not in agreement with the defence when it was argued that the second charge should be absorbed by the first charge since the two charges are separate from each other, also notes that the just punishment that ought to be inflicted on the accused for the charges brought against him should be that of nine (9) years and six (6) months imprisonment and to the payment of a fine (*multa*) of fifteen thousand Euros (€15,000).

### **Decide**

Therefore, the Court, after having seen and considered Articles 2, 7, 15A(1), 22(1)(a), and 22(2)(a)(i) of Chapter 101 of the Laws of Malta, finds the accused Lamin Jobe guilty of all the charges

brought against him and condemns him to a period of nine (9) years and six (6) months imprisonment and to the payment of a fine (*multa*) of fifteen thousand Euros (€15,000).

After having seen and considered Article 533 of Chapter 9 of the Laws of Malta, the Court condemns the accused to pay the amount of three thousand, nine hundred and seventy-two Euros and ninety-eight cents (€3972.98) within a period of three (3) months from today which amount represents the costs incurred in connection with the employment of experts in this case.<sup>1</sup>

The Court 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 as soon as possible under the direct supervision of the Court Registrar 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 the said drugs are required in evidence against third parties.

Finally, the Court orders the forfeiture in favour of the Government of Malta of all the property involved in the said crimes of which the accused has been found guilty and other moveable and immovable property belonging to the said Lamin Jobe.

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**Dr. Neville Camilleri**  
**Hon. Mr. Justice**

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**Alexia Attard**  
**Deputy Registrar**

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<sup>1</sup> Asset Recovery Bureau (€19.05) (Doc. "RC" - a fol. 84); PS 1331 Darren Debattista (€152.50) (Doc. "DD" - a fol. 93); Scientist Dr. Godwin Sammut (€315.01) (Doc. "GS" - a fol. 114); Dr. Martin Bajada (€713.90) (Doc. "MB" - a fol. 129); PS 844 Carl Micallef (€595.98) (Doc. "CM 1" - a fol. 146); Joseph Mallia (€2167.64) (Doc. "JM" - a fol. 254); PS 844 Carl Micallef (€8.90) (Doc. "CMX" - a fol. 330).