



CRIMINAL COURT

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

Number 87/2022/1

The Republic of Malta

vs.

Chariton Papadas

Today 18th. of June 2024

The Court,

Having seen the charges brought against the accused **Chariton Papadas**, of thirty (30) years, son of Michail and Penelope, born in Greece on the 8th. of August 1991, residing at Villa Arjuza, Triq Josef Kalleya, Swieqi, and holder of Greek document number AO 020523, charged in front of the Court of Magistrates (Malta) as a Court of Criminal Inquiry of having on the 23rd. of February 2022 and the months prior 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 Chapter 101 of the Laws of Malta, which drug was found under circumstances denoting that it was not intended for his personal use;
3. rendered himself as an accomplice with Ahmed Walid Askarzada by inciting or strengthened the determination of another to commit a crime, or promised to give assistance, aided or rewarded after the fact, in the importation, or caused to be imported, or took any steps preparatory to import any dangerous drug (*cannabis grass*) into Malta in breach of Section 15A of Chapter 101 and Section 42(e) of Chapter 9 of the Laws of Malta.

The Court was requested that, in case of guilt, apart from inflicting the punishment as prescribed by law, to 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 with regards to the expenses incurred by the Court appointed Experts.

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

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 13th. of May 2024 (*a fol.* 391) whereby the accused admitted to 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 that this Court appointed this case for hearing for the sitting of the 4th. of June 2024.

Having seen the Note of the Attorney General filed on the 20th. of May 2024 (*a fol.* 393) wherein the following was stated:

“Whereby the Attorney General whilst:

1. Declaring that he has received the records of inquiry by electronic means in the names **The Police vs. Chariton Papadas** on the sixteenth (16th.) of May of the year two thousand and twenty four (2024) and this after the Court of Magistrates (Malta) as a Court of Criminal Inquiry granted to the Attorney General access by electronic means to a scanned copy of the same records of the inquiry, together with all the exhibits, in terms of Article 392B(1)(a) of the Criminal Code, and this due to the fact that, during the Court sitting of the thirteenth (13th.) of May of the year two thousand and twenty four (2024), Chariton Papadas declared that he was guilty of all the charges brought against him, which all relate to offences that are subject to a punishment of more than twelve (12) years imprisonment; and
2. Declares that in terms of Article 392B(2) of the Criminal Code, the charges as proffered against Chariton Papadas in front of the Court of Magistrates (Malta) as a Court of Criminal Inquiry and to which the same Chariton Papadas registered a guilty plea, should for all intents and purposes at law be considered as a Bill of Indictment.”

Having seen the Joint Application of the Attorney General and the accused Chariton Papadas filed on the 27th. of May 2024 (*a fol.* 396) wherein the following was stated:

“That the applicants, while declaring that they have reached an agreement in terms of Article 392B(5)(a) of the Criminal Code, taking into consideration the admission of guilt of the accused before the Court of Magistrates as Court of Criminal Inquiry, humbly request this Honourable Court that the punishment to be applied by this same Honourable Court, shall be that of a term of **four (4) vears imprisonment and a fine (*multa*) of seven thousand Euro (€7,000)**, and this together with other sanctions and consequences that are mandatorily prescribed by law upon conviction in terms of the provisions of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, as well as the Criminal Code, Chapter 9 of the Laws of Malta, *inter-alia* the confiscation of any monies and other moveable and immoveable property belonging or owed to the accused in accordance to law.

That for all intents and purposes the applicants declare that in considering the abovementioned punishment agreed upon, they also took into consideration what is prescribed under Article 29 of Chapter 101 by two degrees.”

Having heard submissions during the sitting of the 4th. of June 2024.

Considers

That during the sitting of the 4th. of June 2024 the accused informed this Court that he was aware of the implications of the guilty plea registered in front of the Court of Magistrates (Malta) as a Court of Criminal Inquiry. Apart from this, the accused informed this Court that he is in agreement with what had been stated in the Joint Application of the Attorney General and himself filed on the 27th. of May 2024 (*a fol.* 396) and he also stated that he is in agreement with the punishment therein mentioned.

Considers

That in view of the declaration of guilt filed by the accused Chariton Papadas before the Court of Magistrates, 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 Chariton Papadas guilty of having:

on the 23rd. of February 2022 and the months prior 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 Chapter 101 of the Laws of Malta, which drug was found under circumstances denoting that it was not intended for his personal use;
3. rendered himself as an accomplice with Ahmed Walid Askarzada by inciting or strengthened the determination of another to commit a crime, or promised to give assistance, aided or rewarded after the fact, in the importation, or caused to be imported, or took any steps preparatory to import any dangerous drug (*cannabis grass*) into Malta in breach of Section 15A of Chapter 101 and Section 42(e) of Chapter 9 of the Laws of Malta.

Considers

Having seen the conviction sheet of the accused (Dok. "C" - a fol. 12) which is pristine without the registration of any offence.

Having seen the case-law delivered by this Court specifically those regarding charges similar to the ones in this case and having seen

the case-law regarding punishment inflicted when the accused registers an early admission of guilt.¹

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

Having seen the testimony of the expert Scientist Dr. Godwin Sammut who exhibited his reports marked as Doc. "GS" (*a fol. 125 et seq.*) and Doc. "GS 2" (*a fol. 137 et seq.*) in front of the Court of Magistrates (Malta) as a Court of Criminal Inquiry.

Having seen that in the Joint Application of the Attorney General and the accused Chariton Papadas filed on the 27th. of May 2024 (*a fol. 396*), this Court was informed that in considering the punishment agreed upon, the applicants took into consideration

¹ **The Republic of Malta vs. Andrej Krstikjevikj** (Number 31/2022) delivered by the Criminal Court on the 10th. of April 2024.

what is prescribed under Article 29 of Chapter 101 of the Laws of Malta by two degrees.

Having the Sworn Declaration of the accused Chariton Papadas (*a fol. 299 et seq.*).

Considers

That as a consequence of all the above, in this particular case, this Court adheres to the request contained in the Joint Application of the Attorney General and the accused Chariton Papadas filed on the 27th. of May 2024 (*a fol. 396*).

Decide

Therefore, the Court, after having seen and considered Articles 2, 7, 8(d), 15A(1), 22(1)(a), and 22(2)(a)(i) of Chapter 101 of the Laws of Malta and Article 42(e) of Chapter 9 of the Laws of Malta, finds the accused Chariton Papadas guilty of all the charges brought against him and condemns him to a period of four (4) years imprisonment and to the payment of a fine (*multa*) of seven thousand Euro (€7,000).

In terms of Article 14(2) of Chapter 9 of the Laws of Malta, the Court orders that the fine (*multa*) of seven thousand Euro (€7,000) may be paid by the accused Chariton Papadas in monthly and consecutive payments of two hundred Euro (€200), the first payment to be made not later than a month from today, and should Papadas be in default in the payment of any one instalment, the balance will become immediately due and shall be converted into a period of imprisonment according to law.

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 one thousand, three hundred and seventy-seven Euro and sixty-five cents (€1377.65) 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.²

Finally, 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.

Dr. Neville Camilleri
Hon. Mr. Justice

Alexia Attard
Deputy Registrar

² Scientist Godwin Sammut (€313.46) (Doc. "GS" - a fol. 129 tergo); Scientist Godwin Sammut (€314.59) (Doc. "GS 2" - a fol. 143 tergo); PC 1491 Kurt Attard (€64.60) (Doc. "KA" - a fol. 176); Neale Ciappara (€354.90) (Doc. "NC" - a fol. 185); Dr. Steven Farrugia Sacco (€286.91) (Doc. "SFS" - a fol. 244 tergo); Dr. Marisa Lautier Mifsud (€43.19) (Doc. "MLM 1" - a fol. 366 tergo).