



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

MAGISTRATE DR. KEVAN AZZOPARDI B.A. LL.D

Today, 13th October 2024

The Police

(Inspector Francesco Mizzi)

(Inspector John Leigh Howard)

vs

Theo Walker

(holder of Maltese residence permit with number 453018A)

The Court:

Having seen that Theo Walker, 26 years of age, son of Gary and Nichola, born in the United Kingdom on the fifth (5th) of November the year one thousand nine hundred and ninety-seven (1997), and having no fixed address, holder of Maltese residence permit bearing number 453018A, was arraigned under arrest and charged with having on the 12th October 2024 at around 10:30hrs in the morning and/or in previous hours in Mosta Road, Saint Paul's Bay and/or somewhere on the Maltese Islands:

- 1. had in his possession 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 requested that in case of guilt, in addition to the punishment in accordance to law, to order the accused to pay the costs incurred in connection to the appointment of any experts in terms of article 533 of the Criminal Code, Chapter 9 of the laws of Malta.

Having seen that the accused registered a guilty plea soon after the prosecuting officer read and confirmed the charges under oath.

Having seen the acts of the case.

Having heard the defence counsel and the prosecuting officer's final oral submissions in relation to the punishment to be inflicted upon the accused.

Considerations:

This is a case where the accused admitted to the charges brought against him at the very first opportunity. In view of the accused's voluntary admission, the Court has no other option but to find the accused guilty of the charges brought against him. The Court considered the circumstances of the accused as presented by his defence counsel, particularly the fact that the defence counsel argued in favour of a treatment order to help him with his drug abuse problem.

Decision:

For these reasons, the Court, having seen article 8(d) and 22(2)(a)(ii) of Chapter 101 of the Laws of Malta, upon the admission of the accused Theo Walker, holder of Maltese residence permit bearing number 453018A, finds the said accused guilty as charged, and condemns him to the punishment of one (1) year imprisonment together with a fine (multa) of four hundred and sixty six Euros (€466).

The Court further makes a treatment order in terms of Article 412D of Chapter 9 of the Laws of Malta for a period of two (2) years in order for the accused to be treated for his drug addiction, and this in accordance with the decree handed down by this Court contemporaneously with this judgement, and which forms an integral part of it. The assigned Probation Officer shall report in writing to the Court with the offender's progress every six (6)

months. The accused declared that he agrees to submit himself to treatment in terms of the said order.

The Court orders that the exhibit presented during these proceedings, suspected to be part of the Cannabis plant, unless the prosecution Attorney General does not indicate through a note to be presented within twelve (12) days from the date of expiry of the time given by law for the appeal of this judgement, that the exhibit is necessary in connection with any other criminal proceedings against third parties, be destroyed under the supervision of the Registrar of Courts and Criminal Tribunals, who shall draw up a process verbal in relation to the said destruction.

The Court refrains from taking further cognizance of the request based on article 533 of Chapter 9 of the Laws of Malta since it does not appear from the acts of the proceedings that any experts or architects have been appointed.

This Judgement as well as the Treatment Order shall be immediately communicated to the Director of Probation and Parole Services for the appointment of a Probation Officer to be responsible for the supervision of the accused, as well as to the Registrar of Courts and Criminal Tribunals.

Kevan Azzopardi B.A. LL.D
Magistrate

Josanne Gauci
Deputy Registrar

< Final Judgement >

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