



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

**MAGISTRATE DR. NOEL BARTOLO
B.A., M.A. (Fin. Serv.), LL.D.**

Today 9th October, 2024

**The Police
(Inspector Franceso Mizzi)
(Inspector John Leigh Howard)**

vs

Kane Dylan Bennington

The Court,

After having seen the charges brought against the accused: **Kane Dylan Bennington** twenty-four (24) years old, son of Matthew and Wendy nee' Gunn, born in Leytonstone, United Kingdom on the twenty seventh (27th) of March the year two thousand (2000), and at the moment no fixed residence holder of British Passport number 152704643.

Accused with having on the 7th October 2024 and/or in previous days and/or months on the Maltese Islands:

- 1. Had in his possession the drugs (cocaine) specified in the First Schedule of the Dangerous Drug Ordinance, Chapter 101 of the Laws of Malta, when he was not in possession of an import or an export authorisation issued by the Chief Government Medical Officer in pursuance of the provisions of paragraphs 4 and 6 of the Ordinance, and when he was not licensed or*

*otherwise authorised to manufacture or supply the mentioned drugs, and was not otherwise licensed by the President of Malta or authorised by the Internal Control of Dangerous Drugs Regulations (G.N.292/1939) to be in possession of the mentioned drugs, and failed to prove that the mentioned drugs was supplied to him for his personal use, according to a medical prescription as provided in the said regulations, and this in breach of the 1939 Regulations, of the Internal Control of Dangerous Drugs (G.N.292/1939) as subsequently amended by the Dangerous Drugs Ordinance Chapter 101, of the Laws of Malta **which drug was found under circumstances denoting that it was not intended for his personal use***

- 2. Had in his possession a drug or/and new psychoactive substance as defined in article 118A(1) of Chapter 31 of the Laws of Malta, in breach of the provisions of the Medical and Kindred Professions Ordinance Chap 31 Laws of Malta, which drug was found under circumstances denoting that it was not intended for his personal use*

*The Court is also being humbly requested, that in the case of guilt, in addition to the punishment established by law, orders the person convicted to pay the costs incurred in connection to the employment of any experts as provided in **Article 533 of Chapter 9 of the Laws of Malta**;*

Having examined all the documents forming part of the proceedings.

Having seen the order of the Attorney General for this case to be dealt with before this Court (Doc. FM 3 – FM 6).

Having heard the accused plead guilty to the charges brought against him, and having heard him confirm his guilty plea after the Court warned him in the most solemn manner of the legal consequences of his guilty plea and after having given him sufficient time within which to reconsider and/or withdraw his guilty plea and consult again with his lawyer.

Considers

That, as a consequence of the admission of the accused of the charges brought against him, the said charges brought against the accused have been sufficiently proven.

With regards to the punishment to be inflicted against the accused, the Court took into consideration various factors, including: the nature of the charges brought against the accused and the submissions of the defense and prosecution during today's sitting with respect to the punishment where they suggested a punishment of imprisonment for a period 18 months and a Treatment Order.

Decide:

Therefore, the Court, for the above reasons and after having seen and considered Parts 4 and 6, Article 22(2)(b) of Chapter 101 of the Laws of Malta, Legal Notice 292 of 1939 and *inter alia* Article 118A(1) of Chapter 31 of the Laws of Malta finds the accused **KANE DYLAN BENNINGTON**, on his own admission, guilty of the charges brought against him and condemns him to a period of eighteen (18) months effective imprisonment. The Court also issues against the said KANE DYLAN BENNINGTON a Treatment Order subject to the conditions indicated in the same Order which is attached to this judgement.

Moreover the Court orders the destruction of the illicit substance exhibited in the records of this case and marked as Doc FM 8 once this judgement becomes *res judicata* and this under the direction of the Registrar of Courts who shall compile a *proces verbal* documenting the destruction, which document is to be inserted in the records of this case by no later than fifteen days from such destruction.

Finally in relation to the request of the Prosecution as contained in the charge sheet where the Court was requested to condemn the defendant, in case of guilt, for the payment of costs in connection with the appointment of experts as contemplated in Article 533 of Chapter 9 of the Laws of Malta, the Court rejects such request since no evidence has been brought forward in this regard.

Noel Bartolo
Magistrate

Marisa Bugeja
Deputy Registrar