



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

**MAGISTRATE DR. GIANNELLA CAMILLERI BUSUTTIL
B.A., M.A. (Fin. Serv.), LL.D.**

Today 8th August 2024

Case Number: 6636/2024

The Police

vs

Nofiu-Jonathan Atanda

The Court,

Having seen the charges brought against the accused **Nofiu-Jonathan Atanda**, thirty two (32) years old, born on the fourteenth (14th) of July of the year nineteen ninety two (1992) in Pieta', son of Murphy Ishola Atanda and Maria Concetta neè Falzon, residing in Giotto, Block A, apartment 5B, Dun Karm Street, Msida and holder of Maltese identity card number 0501892(M).

Accused that on the thirteenth (13th) and fourteenth (14th) of July of the year two thousand and twenty-four (2024) in the Maltese Islands:-

1. Had in his possession the psychotropic and restricted drug (**ecstasy**) without a special authorisation in writing by the Superintendent of Public Health, in breach of the provisions of the Medical and Kindred Professions Ordinance, Chapter 31 of the Laws of Malta and the Drugs (Control) Regulations, Legal Notice 22 of 1985 as amended.

2. Had in his possession the drugs (**cocaine**) specified in the First Schedule of the Dangerous Drugs 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 were 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 and by the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta.

3. Had in his possession the psychotropic and restricted drug (**Ketamine**) without a special authorisation in writing by the Superintendent of Public Health, in breach of the provisions of the Medical and Kindred Professions Ordinance, Chapter 31 of the Laws of Malta and the Drugs (Control) Regulations, Legal Notice 22 of 1985 as amended.

The Court is also being humbly requested that in the case of guilt, besides the penalties established by Law, it orders the confiscation of all the exhibited objects.

The Court is also being humbly requested that in the case of guilt, in addition to the punishment in accordance to law, orders 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 the records of the case;

Having seen that the accused pleaded guilty to the charges brought against him, which guilty plea was reiterated by the accused after that the Court explained to him the legal consequences of his guilty plea and gave him sufficient time to reconsider and withdraw his guilty plea;

Having heard submissions regarding punishment by the prosecution and the defence counsel;

Considers that:

The accused pleaded guilty to the charges brought against him and thus these have been sufficiently proven.

With reference to the punishment to be meted out, this Court is taking into account, the nature of the charges brought against the accused, the fact that the accused pleaded guilty at the earliest possible opportunity in these proceedings and the fact that he cooperated fully with the Police during the investigations. The Court is also taking into account the circumstances of the case and the declaration by the prosecution that in this case they are not insisting on a punishment of effective imprisonment.

The Court is also taking into consideration the fact that the accused has a substance abuse problem and other related issues which need to be addressed and therefore the Court deems that a Treatment Order is necessary in this case for the treatment of the accused for his substance abuse problem and other psychological and/or psychiatric problems that the accused might have.

Conclusion

For these reasons, the Court after having seen Articles 40A, 118A, 120A(1)(a) and 120A(2)(b)(ii) of the Medical and Kindred Professions Ordinance, Chapter 31 of the Laws of Malta and Regulation 2 and 3(1) of the Drugs (Control) Regulations, Legal Notice 22 of 1985 and Parts IV and VI, Sections 22(1)(a), 22(2)(b)(ii) of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, Regulations 2 and 9 of the Internal Control of Dangerous Drugs Rules, Government Notice 292 of 1939, as amended, Sections 17, 31 and 533 of the Criminal Code, Chapter 9 of the Laws of Malta, finds the accused **Nofiu-Jonathan Atanda** guilty of the charges brought against him but in view of the considerations above made and by application of Section 7 of the Probation Act, Chapter 446 of the Laws of Malta, places him under a Probation Order for a period of two (2) years from the date of this judgement, subject to the conditions indicated in the said Order, which Order shall form an integral part of this judgement.

The Court explained to the person sentenced, in clear and simple terms, the consequences of this judgement, should he fail to abide by the conditions of the Probation Order or should he commit any other offence within the operative period of the said Order.

In terms of Section 412D of the Criminal Code, Chapter 9 of the Laws of Malta, the Court is also placing the accused under a Treatment Order for a period of two (2) years from the date of this judgement. The Treatment Order under which the accused is being placed is subject to the conditions set out in the relative decree issued today, which decree also forms an integral part of this judgement.

In terms of Sections 392C and 533 of the Criminal Code, Chapter 9 of the Laws of Malta, the Court orders the accused to pay the costs incurred in connection with the employment of experts at the stage of the *proces verbal* of the inquiry, once these are determined by the Registrar.

Finally, the Court orders the destruction of the drugs seized, once this judgement becomes final and definitive, which destruction shall be carried out by the Registrar, Criminal Courts and Tribunals, who shall draw up a *proces-verbal* documenting the destruction procedure. The said *proces-verbal* shall be inserted in the records of these proceedings not later than fifteen days from the said destruction.

The Court orders that a copy of this judgement is served upon the Director of Probation and Parole and the Registrar of the Criminal Courts and Tribunals.

In terms of Section 392A(2) of the Criminal Code, Chapter 9 of the Laws of Malta, the Court orders that within six (6) working days from the date of this judgement, the Attorney General shall be given access to a scanned copy of the records, together with access to a scanned copy of the judgment.

Magistrate Dr. Giannella Camilleri Busuttil

Deputy Registrar Michela Attard Deguara