



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

**MAGISTRATE DR. ABIGAIL CRITIEN  
B.A., Trib. Eccl. Melit., LL.M. (Family Law) (Lond), LL.D.**

**The Police**

**vs**

**Connor Leon Graham**

**Case Number: 8007/2024 AC**

Today the 28<sup>th</sup> of October, 2024

**The Court;**

Having seen the charges brought against **Connor Leon Graham**, twenty-six (26) years old, son of Raymond and Joanne nee' Leak, born in Sidcup, United Kingdom, on the eight (8<sup>th</sup>) of October the year one thousand nine hundred and ninety-eight (1998), at the moment with no fixed residence, holder of British Passport number 148867691, accused of having, on the 7<sup>th</sup> 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 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 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;

Having seen the Prosecution's request that in the case of guilt, in addition to the punishment established by law, the Court orders that the person convicted 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 seen that the Prosecuting Officer Inspector Francesco Mizzi read and confirmed the charges brought against the accused on oath during the sitting dated the 14<sup>th</sup> of October 2024<sup>1</sup>;

Having seen the minutes dated the 14<sup>th</sup> of October 2024 and the Court's order for proceedings to be conducted in the English language<sup>2</sup>;

Having seen the acts of the case and the documents exhibited, namely the following:

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<sup>1</sup> Vide fol 6 of the acts

<sup>2</sup> Vide fol 3 of the acts

1. Application by the Commissioner of Police for the urgent opening of the Registry of Courts dated 14<sup>th</sup> of October 2024 marked as Doc A<sup>3</sup>;
2. A photocopy of the accused's Passport marked as Doc FM1<sup>4</sup>
3. Conviction Sheet of the Accused marked as Doc FM2<sup>5</sup>;
4. Warrant of Arrest dated 8<sup>th</sup> October 2024 marked as Doc FM3<sup>6</sup>;
5. NPS Report marked as Doc FM4<sup>7</sup>;
6. Order of the Attorney General under Article 22(2) of Chapter 101 of the Laws of Malta marked as Doc FM5<sup>8</sup>;
7. Order of the Attorney General under Article 120A(2) of Chapter 31 of the Laws of Malta marked as Doc FM6<sup>9</sup>;
8. Order of the Attorney General under Article 120A(2) of Chapter 31 of the Laws of Malta in the Maltese language marked as Doc FM7<sup>10</sup>;

Having seen that the accused registered a guilty plea to the charges brought against him during the sitting dated the 14<sup>th</sup> of October 2024;

Having seen that the Court warned the accused about the legal consequences of such guilty plea registered by him and after allowing him a period of time to withdraw his guilty plea, and after having explained the effects of such guilty plea and after having given him time to speak again to his legal counsel, the accused once again confirmed his guilty plea;

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<sup>3</sup> Vide fol 10 of the acts

<sup>4</sup> Vide fol 12 of the acts

<sup>5</sup> Vide fol 13 *et seq* of the acts

<sup>6</sup> Vide fol 15 of the acts

<sup>7</sup> Vide fol 16 *et seq* of the acts

<sup>8</sup> Vide fol 21 of the acts

<sup>9</sup> Vide fol 22 of the acts

<sup>10</sup> Vide fol 23 of the acts

Having seen that the Court observed and complied with the provisions as set out in Article 392A(1)(2) of Chapter 9 of the Laws of Malta, and in the light of the accused's voluntary and unconditional guilty plea and his confirmation and reiteration of his guilty plea for the second time and after consulting with his lawyer that the Court took cognisance of his guilty plea;

In terms of Article 392A(3) of Chapter 9 of the Laws of Malta This Court declares that it does not consider that there are valid grounds to doubt the accused's guilt despite his guilty plea and consequently deems that the charges brought against him have been satisfactorily proven.

### **Legal Considerations**

In relation to the charges brought against **Connor Leon Graham**, accused for having, that on the 7<sup>th</sup> 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 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 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 accused registered a guilty plea;

In view of the accused's guilty plea to the charges brought against him, the Court deems that the same said charges have been proven satisfactorily and consequently finds the accused guilty of the charges brought against him;

Regarding punishment, the Court is taking into consideration the following:

1. The guilty plea at the earliest stage of the proceedings, in thus the court did not have to waste time in gathering further evidence on the merits of the case. Reference is made to local and foreign jurisprudence including but not limited to **Ir-Repubblika ta' Malta vs. Nicholas Azzopardi**<sup>11</sup> u **Il-Pulizija vs. Emmanuel Testa**<sup>12 13</sup> where the Courts argued in favour of leniency in punishment when the accused registers a guilty plea at an early stage of the proceedings and consequently saves time and expenses to the administration of justice. The Court notes that this plea was made at the earliest stage possible, and that is at arraignment stage;
2. The guilty plea was entered into without any form of reservations or conditions;
3. The accused's clean Conviction Sheet;
4. The nature of the charges brought against the accused, relating to aggravated possession of illicit drugs under both Chapter 101 and Chapter 31 of the Laws of Malta;
5. The serious nature of the charges brought against the accused;

The Court, in addition, to the considerations mentioned above, notes that as explained by the Prosecuting Officer during the arraignment and oral submissions with regards to punishment, the

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<sup>11</sup> Criminal Court, decided on the 24<sup>th</sup> of February 1997

<sup>12</sup> Court of Criminal Appeal, decided on the 7<sup>th</sup> of July 2002

<sup>13</sup> Vide also Appeal No. 414/2023 in the names of **Il-Pulizija v. Rosita Zammit**, decided on the 13<sup>th</sup> September 2024 by Madam Justice Dr. Consuelo Scerri Herrera, pages 15-17; Bill of Indictment No. 3/2018/2 in the names of **Ir-Repubblika ta' Malta v. Rosario Militello**, decided on the 26<sup>th</sup> of June 2024 by the Criminal Court by Madam Justice Dr. Consuelo Scerri Herrera, page 13-15; Case No. 20/2023 in the names of **The Police v. Mohamed Salim Saaou El Kaddouri**, decided by the Court of Magistrates (Malta) as a Court of Criminal Judicature presided by Magistrate Dr. Elaine Rizzo on the 6<sup>th</sup> May 2024, page 4

accused provided pin-codes for mobile phones and co-operated fully with the Police at investigation stage, part of which led to his arraignment on the 14<sup>th</sup> of October 2024. This, combined with the fact that investigations revealed that the accused had a lesser role in the incident being investigated, combined also with the guilty plea registered at the earliest stage possible of these proceedings, merits, in the Court's view, a more lenient punishment for the offences committed.

## **Decide**

Therefore, the Court, after having seen Article 9(1)(b), Article 10(1), Article 11(1), Article 22(1)(a), Article 22(1)(f), Article 22(1B), Article 22(2)(b)(i), Article 22(b)(ii) and the First Schedule, Part 1 of Chapter 101 of the Laws of Malta, and Article 40A, Article 118A(1)(a), Article 118A(1)(c), Article 120A(1)(a), Article 120A(1)(f), Article 120A(1B) and Article 120A(2)(b)(i) of Chapter 31 of the Laws of Malta and Article 17(b) of Chapter 9 of the Laws of Malta **upon his own voluntary and unconditional guilty plea, finds the accused Connor Leon Graham guilty of the charges brought against him, and condemns him to a term of nine (9) months imprisonment, from which term shall be reduced the period the accused spent in preventive custody, as well as condemning him to the payment of a fine of €465.87, to be paid in monthly instalments of €77.64 over the course of 6 months<sup>14</sup>, and this in terms of 14(2) of Chapter 9 of the Laws of Malta.**

Due to the fact that no experts were appointed by the Court during the course of these proceedings, this Court is not in a position to take cognisance of the Prosecution's request to apply the provisions of Article 533 of Chapter 9 of the Laws of Malta;

In terms of Article 392A of Chapter 9 of the Laws of Malta, the Court orders that a scanned copy of these proceedings and judgement be sent to the Attorney General according to Law.

**MAGISTRATE DR. ABIGAIL CRITIEN**

**B.A., Trib. Eccl. Melit., LL.M. (Family Law) (Lond), LL.D.**

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<sup>14</sup> Vide a fol 5 of the Acts where the parties declared that they are in agreement that the payment of any fine that may be imposed can be paid by means of monthly installments as the accused is not in funds