



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 April 2025

Case Number: 8623/2023

The Police

(Inspector Jonathan Pace)

vs

Valerie Catherine Camilleri

The Court,

Having seen the charges brought against the accused **Valerie Catherine Camilleri**, forty two (42) years old, daughter of Angelo and Adelaide nee' Caruana, born in Canada on the sixth (6th) January of the year nineteen eighty one (1981), residing at number two (2), Jomami, Flat number three (3), Triq Ġilormu Dingli, Rabat, Malta, holder of Maltese Identity Card number 63002L, who is being charged with having on these Islands, on the twelfth (12th) September and the preceding months:-

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

Having seen the records of the case, including the Order of the Attorney General of the twenty third (23rd) October of the year two thousand and twenty three (2023), issued in terms of subarticle (2) of Article 22 of the Dangerous Drugs

Ordinance, Chapter 101 of the Laws of Malta, for the accused to be tried before the Court of Magistrates as a Court of Criminal Judicature;

Having seen that the accused pleaded not guilty to the charges brought against her;

Having heard the final oral submissions by the prosecution and the defence.

Considers that:-

The prosecution brought forward the following witnesses:-

Inspector Jonathan Pace¹ testifies that on the twelfth (12th) September of the year two thousand and twenty three (2023), he was informed by the Customs Officials stationed at Maltapost p.l.c., that they had opened a random package, which allegedly contained six (6) small packets containing suspected Cannabis Grass. His colleague called on site, issued receipt number 152/23 and collected the package from Customs Officer Ruth Azzopardi and handed it over to him. This package had the tracking number UR475839284CA and was addressed to a certain Valerie, Jomami, Flat number three (3), Triq Ġilormu Dingli, Rabat. The whole package weighed approximately seventy (70) grams.

Inspector Pace explains that he opened the said package and inside there were small black pouches which individually contained ten (10) grams, thirteen (13) grams, fourteen (14) grams, five (5) grams, six (6) grams, and six (6) grams allegedly Cannabis Grass. The total amount was not more than fifty five (55) grams. He contacted Valerie Catherine Camilleri whom he recognised in court as the accused. He states that she cooperated with him from the very beginning and she told him that this was a gift from a friend.

Inspector Pace testifies that in her audio-visual statement, the accused admitted that she consumes the drug cannabis and that she had been smoking from the age of thirteen (13). He states that the accused told him that she lives and works in Malta. During her statement she told him that she was aware that this gift sent to

¹ At fol. 11 of the acts of the proceedings

her by her friend, contained Cannabis Grass, though she claims not to have been aware of the amount. She told him that it was in fact a larger amount than she was expecting. Inspector Pace presented an evidence bag marked as MO1457240 containing the small package. He explained that the package is addressed to Valerie, two (2), Jomami, Flat number three (3), Triq Ġilormu Dingli, Rabat and its contents are the small pouches containing the alleged Cannabis Grass. This evidence bag is marked as 'Dok JP'. He also exhibited the audio visual statement released by the accused on the seventeenth (17th) September of the year two thousand and twenty three (2023), marked as 'Dok JP1';

In cross examination, asked whether he remembers that the accused had told him that she could suspect what was sent to her, rather than that she was aware, Inspector Pace stated that she had told him that she could have suspected what was in there. He states that everything is recorded in the audiovisual statement.

Ruth Azzopardi², a Customs officer, testifies that on the twelfth (12th) September of the year two thousand and twenty three (2023), she was conducting her normal routine inspections at Maltapost p.l.c. and at around one o'clock in the afternoon (1.00p.m), she came across a package containing three (3) sealed envelopes. These contained suspicious substances weighing approximately seventy (70) grams. The package was addressed to Miss Valerie. Being shown 'Doc JP', she recognises the number 6396 as the registration number which she had inputted in their system. She also recognises the address on the package, being Triq Ġilormu Dingli, Rabat. She states that PC 2342 collected the package from her.

PC 2342 Francesca Formosa³, stationed at the Drug Squad, states that on the twelfth (12th) September of the year two thousand and twenty three (2023), she was asked by Inspector Jonathan Pace to collect a package from Maltapost in Qormi. She reported there and was given the package, against a receipt number 152/2023 signed by Customs Officer Ruth Azzopardi. The parcel was addressed to a certain Valerie, number two (2), Jomami, Flat number three (3), Triq Ġilormu Dingli, Rabat, Malta. Inside the parcel there were two (2) white envelopes with the same address. In the envelopes, there were six (6) plastic black pouches containing in total fifty seven (57) grams of Cannabis Grass. Upon

² At fol. 16 of the acts of the proceedings

³ At fol. 20 of the acts of the proceedings

further investigations, it resulted that a certain Valerie Catherine Camilleri resided at this address. On the seventeenth (17th) September of the year two thousand and twenty three (2023), Valerie Catherine Camilleri called at the office of Inspector Pace and after being given the letter of rights, she renounced to her right to consult a lawyer of her choice. PC 2342 states that she was present during the statement released by the accused. The accused was very cooperative during the statement and said that a friend of hers from Canada had sent her the parcel.

In cross-examination, she confirms that she was present when the accused renounced to the right to consult a lawyer of her choice. She also confirms that Inspector Pace explained to the accused the charge of importation of drugs for personal use. She states that this parcel contained fifty seven (57) grams of suspected Cannabis Grass. She confirms that Inspector Pace told the accused that he was suspecting that she had imported the drug Cannabis Grass. She states that she was present but Inspector Pace had explained everything to the accused.

During the sitting of the twentieth (20th) March of the year two thousand and twenty four (2024), Inspector Pace declared that the substance in question consists of six (6) packets which individually contain six (6) grams, six point eight (6.8) grams, five point seven (5.7) grams, fourteen (14) grams, thirteen (13) grams and ten (10) grams. During the same sitting, the defence exempted the Prosecution from producing evidence to confirm that the substance in question is cannabis grass⁴.

Statement of the accused⁵

In her statement dated seventeenth (17th) September of the year two thousand and twenty three (2023), the accused confirms that she was given her letter of rights and that she renounced to her right to consult a lawyer. She states that she lives in Rabat, Building number two (2), Flat number three (3), Jomami, Triq Ġilormu Dingli.

She states that she assumes that the contents of the package in question are marijuana and that she assumes that it was sent to her by her friends in Canada. She states that she complains a lot to her friends that she cannot get good

⁴ At fol. 24 of the acts of the proceedings

⁵ 'Doc JP 1' at fol. 15 of the acts of the proceedings

cannabis in Malta. She struggles a lot to grow cannabis herself in Malta. However she states that she wasn't expecting anything.

She also states that she started smoking cannabis grass before she was thirteen (13) years old. She also confirms that everything in the package, both the tarot cards and the cannabis was for her. Asked whether it was a birthday present, she said it wasn't because it's a little bit early for her birthday. She also states that she didn't pay anything for the cannabis she received. She says that cannabis is much cheaper in Canada.

Testimony of the accused⁶

The accused chose to testify *viva voce* in Court. She confirms that when the package arrived in Malta she was living in Malta. She states that she was born in Canada and grew up there. She came to Malta when she was nineteen (19) years old, though she goes back and forth from Canada to Malta. Her parents live in Toronto and her mother passed away two years ago and her father is still in Toronto. She has sisters in Toronto. In two thousand and thirteen (2013) she bought her property in Rabat, so that is her main residence.

One day she received a phone call from Inspector Pace, and he told her that she had received a package addressed to her and told her to go to his Office to speak to him about this suspicious package. He told her that it contains a suspicious substance and that there were also some cards. She said he wanted to know if she was expecting anything or if she knew about it. He told her that he suspected it was Marijuana because it had a strong smell.

She says that she smokes Marijuana, just like her friends with whom she socialises. When they told her that the package was sent to her from Canada it made sense to her. She said that she was not expecting anything, but it was not shocking for her to receive a package from Canada containing weed. Inspector Pace told her that it was not a big amount and that she had to go to his Office to release a statement.

⁶ At fol. 29 of the acts of the proceedings

A couple of days later she went to his Office and she made a statement and told him why she thought it was weed. She says that she had been speaking to her friends in Canada a couple of weeks before. It was a group call. They were smoking and she was smoking too and she had her tarot cards. She said that she had never asked her friends to send her the weed. However, when the package arrived, it made a lot of sense for her, that they had sent it.

She says that she had suspicions that this was sent to her by her friends, though she states that she never asked for it. She never paid for it. She said that during that time she was talking to her friends about the quality of the cannabis grass here in Malta. In Canada it was legal for a bit longer and you can order it online and you know exactly what you are getting. You would know if you are smoking daytime weed or nighttime weed.

Therefore, she states that this may be the reason why her friends sent her this drug as she was complaining about the quality of the drug in Malta. She states however that when Inspector Pace called her to inform her of the parcel she had received, she was surprised, and she was even surprised with the amount of drugs that was sent to her. On one occasion when she was living in Hamrun she had received a rolled joint as a birthday gift, even though this was years before. It was shocking that she received this amount as she was not expecting it. She was surprised with the delivery and also with the amount.

In cross examination, she said that possibly her friends had sent her the tarot cards so that she could read the cards for them and probably they sent her the Cannabis Grass as a gift. She had once received a small amount of cannabis grass for Christmas and once for her birthday but this was the largest amount she had ever received.

Considers further

Although no plea was raised by the defence in this regard, the Court feels that before considering the merits of the case, the Court has to deal with a preliminary issue – one which is going to be raised by the Court *ex officio*. The court examined the charge sheet in the Maltese language and the translated charge sheet in the English language and notes that in the English language, there is no

indication of the year when the alleged importation of *cannabis grass* should have taken place. The Court notes that the charges in Maltese read:- “*fit-12 ta’ Settembru 2023 u anka matul ix-xhur ta’ qabel*”. The charges in English then read:- “*on the 12th of September and the months prior*”. Thus, the charges in the English language do not refer to any particular year.

According to the minute of the sitting of the seventeenth (17th) November of the year two thousand and twenty three (2023), the Court was informed that the accused does not understand the Maltese language but understands the English language and therefore the Court ordered that these proceedings be conducted in the English language. The accused was duly assisted by a lawyer of her choice during the sitting. The charges were then read out on oath and immediately afterwards, the accused was examined in accordance with the applicable provisions of the Criminal Code, and when she was asked what she wishes to reply to the charge, she replied “not guilty”.

In this case, the defence did not raise any plea of nullity of the charge sheet throughout the proceedings before this Court. As the Court of Criminal Appeal stated in the case **Il-Pulizija -vs- Rita Farrugia** decided on the thirty first (31st) May of the year two thousand and two (2002):

“Issa huwa minnu wkoll li fil-kaz prezenti hu veru li fic-citazzjoni ma hemmx indikat iz-zmien li fih sar l-allegat reat mill-appellanti w lanqas ma hemm xi indikazzjoni taz-zmien meta dan l-allegat reat kontinwat gie skopert u mwaqqaf. Hi l-fehma tal-Qorti li f’dan il-kaz, l-eccezzjoni li qed tissorleva l-appellanti kellha taghmilha ‘in limine litis’ quddiem l-ewwel Qorti, dan ghaliex mill-atti ma jirrizultax li din il-kwistjoni qatt tqajjmet mill-appellanti quddiem dik il-Qorti fl-istadji kollha ta’ dawn il-proceduri kemm damu quddiemha. Dan ifisser li l-appellanti ma tistax issa tigi tqajjem ghall-ewwel darba din il-kwistjoni quddiem din il-Qorti bhala wahda mill-aggravji taghha kontra s-sentenza ta’ l-ewwel Qorti. Hi kellha tqajjem din l-eccezzjoni quddiem l-ewwel Qorti appena inqratilha l-akkuza w dik il-Qorti kienet taghti l-provvediment taghha relattiv.”

The Court also makes reference to the judgement in the names **Il-Pulizija -vs- Emmanuel Buttigieg** decided on the fourth (4th) November of the year nineteen ninety four (1994), where the Court of Criminal Appeal held as follows:

“wara l-introduzzjoni ta' l-inciz (2) ta' l-Artikolu 360 tal-Kodici Kriminali, li bih ic-citazzjoni ghandu jkun fiha, fil-qosor, il-fatti ta' l-akkuza, bil-partikolaritajiet opportuni ta' zmien u l-lok, ic-citazzjoni ghadha mhix hlief avviz lill-imputat biex jidher quddiem il-Qorti tal-Magistrati. Id-dettalji msemminj dwar il-fatti ghandhom jigu ndikati fiha mhux ghall-fini tal-validita' taghha, jew tal-proceduri, kompriza s-sentenza, li jsegwuha, izda ghall-fini tal-praticita' u ta' evitar ta' telf ta' zmien, u cioe` biex l-imputat x'hin jidher quddiem il-Qorti, ikun jaf fuq hiex ikun gie mharrek, u hekk dak in-nhar stess li jidher ikun preparat biex jiddefendi ruhu ghall-imputazzjoni dedotta. L-imputazzjoni fil-kawzi sommarji hija dedotta kontra l-imputat proprjament u verament quddiem il-Qorti, u mhux fic-citazzjoni.”

In the judgement **Il-Pulizija vs Rita Farrugia**, cited above, the Court of Criminal Appeal held as follows:

“Barra minn hekk, imkien ma jirrizulta mill-atti li l-appellanti ma setghetx tiddefendi ruhha kontra l-akkuza migjuba kontriha minhabba n-nuqqas tar-rekwizit tad-data fic-citazzjoni. Jirrizulta car mill-provi li anke mill-ewwel seduta quddiem l-ewwel Qorti kien gie maghruf liema kien iz-zmien jew data in kwistjoni w li kienet qed tirreferi ghalih l-akkuza, u, fil-fatt, l-appellanti, ghalhekk ikkontestat l-akkuza w anke gabet il-provi relattivi taghha li jirreferu ghal dan iz-zmien jew data rizultanti mill-provi.”

In the present case, it is obvious even from the very first sitting that the accused, duly assisted by her defence counsel, was well aware of the charge which was being levelled against her. In fact, the accused contested the charge, and during the examination pleaded not guilty to the charge. During the proceedings, the defence cross-examined two of the witnesses of the Prosecution and the accused herself voluntarily gave evidence on oath and testified in detail. During the final oral submissions, the defence also made submissions on the merits of the charge against the accused. At no stage of the proceedings, did the defence raise the issue that the accused was not aware, or not fully aware, of the charge levelled

against her, or that in some way the right of the accused to defend himself was being prejudiced.

Given that the accused knew precisely what the facts that she was being charged with were, her right to defend herself was not in any way prejudiced and the charges cannot in any way be deemed to be invalid.

Considers further:-

It results clearly from the evidence adduced that on twelfth (12th) September of the year two thousand and twenty three (2023), the accused received a package containing cannabis grass. In the final submissions, however, the defence counsel questions the knowledge and voluntariness of importation of drugs on the part of the accused and submits that on the basis of the accused's testimony, there is reasonable doubt that she had the intent required at law to import an illicit substance into Malta.

Article 2 of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta defines "import" with the following:

"import", with its grammatical variations and cognate expressions, in relation to Malta, means to bring or cause to be brought into Malta in any manner whatsoever;"

Furthermore, Article 15A of Chapter 101 of the Laws of Malta provides that:

'15A. (1) No person shall import or export, or cause to be imported or exported, or take any steps preparatory to importing or exporting, any dangerous drug into or from Malta except in pursuance of and in accordance with the provisions of this Ordinance.

(2) For the purposes of this article the words "import" and "export" and their grammatical variations and cognate expressions shall have the meaning assigned to them in article 2(1).'

In this regard, reference is made to the judgement delivered by the Court of Criminal Appeal (Superior Jurisdiction) in the names **Ir-Repubblika ta' Malta vs Timothy Joseph Agius** of the twenty second (22) of June of the year two thousand and twenty two (2022) where it was held as follows:-

"Illi dwar l-element formali gie deċiż:-

Il-ligi taghna, kemm ghal dak li jirrigwarda l-pussess kif ukoll ghal dak li jirrigwarda l-importazzjoni ta' droga, ma tuzax il-kelma "xjentement"; fi kliem iehor il-ligi titkellem dwar min "ikollu fil-pussess tieghu" (artikolu 8(a)(c), kap 101), ikun fil-pussess" (regola 8, A.L.292/1939), "jimporta (artikolu 15A (1), Kap. 101) u mhux dwar min "xjentement ikollu fil-pussess tieghu", "xjentement ikun fil-pussess" jew "xjentement jimporta". Ghalkemm il-legislatur f'dawn id-dispozizzjonijiet ma juzax il-kelma "xjentement", hu evidenti li hawn si tratta ta' reati doluzi u mhux sempliciment ta' reati kolpuzi. Il-legislatur ma riedx jikkolpuxxi lil min, per ezempju, ad insaputa tieghu jitqieghdu xi droga fil-bagalja tieghu u dan jibqa' diehel biha f'Malta. Mill-banda l-oħra, b'applikazzjoni ta' l-artikolu 26 (1) tal-Kap. 101, persuna li tkun fil-pussess ta' droga jew li tkun dahhlet droga f'Malta hi presunta li kienet fil-pussess jew dahhlita xjentement, jigifieri li kienet taf bl-eżistenza ta' dak l-oġġett, li dak l-oġġett hu droga, u ghalhekk li kienet taf li kienet fil-pussess jew li kienet qed iddahhal id-droga, salv prova (imqar fuq bazi ta' probabilita') kuntrarja, u salv il-limitazzjoni ghal tali prova skond l-artikolu 26(2)⁷." (sottolinjar tal-Qorti.)

The Court of Criminal Appeal in the judgement in the names **Il-Pulizija -vs- Stefan Scicluna** decided on the twenty eighth (28th) February of the year two thousand and twenty five (2025) after refering to the abovementioned judgement, further held that:-

“19. Dan ifisser illi l-persuna li tkun dahhlet id-droga ġewwa Malta, hija preżunta li dahhlitha xjentement, jigifieri li kienet taf bl-eżistenza ta' dak l-oġġett importat bħala li kienet sustanza illeċita u ghalhekk li kienet qed iddahhal id-droga. Hawnhekk il-ligi toħloq preżunzjoni ta' fatt bl-oneru tal-prova jiġi spostat fuq l-akkuzat, sabiex jipprova sal-livell tal-probabbli, illi huwa ma kellux ix-xjenza meħtieġa fil-ligi. Allura, fil-każ odjern, kien jeħtieġ illi l-appellat jipprova illi huwa ma kienx jaf li fil-pakkett mibgħut lilu miċ-Ċina kien hemm is-sustanza illeċita mephedrone.”

⁷ Il-Pulizija -vs- Marzouki Beya Bent Abdellatif App. Inf. 16/02/1998

In this case, it results from the evidence adduced, that the drug in question was found by a Customs Officer at Maltapost p.l.c, in a package addressed to the accused. In these circumstances, the accused is presumed to know of its existence and to have knowingly imported the drug, unless contrary evidence is provided, at least on a balance of probabilities. In her statement released to the Police and in her testimony *viva voce*, the accused claims that the drug in question had been sent to her as a gift, even though she states that she was not expecting anything. She said that it was not shocking for her to receive a package from Canada containing weed and that on one occasion she had received a rolled joint as a birthday gift, even though this was years before, and once she had also received a small amount for Christmas. Asked whether it was a birthday present, she said it wasn't because it's a little bit early for her birthday. She states that she had been complaining to her friends about the quality of the drug in Malta and this might be the reason why her friends had sent her this drug. However, she states that she was surprised with the delivery and also with the amount. She also claims that she didn't pay anything for the cannabis she received.

However, despite the accused's contestation, the Court cannot but make the following observations: The Court cannot but note that if the accused's allegations that her friends had sent her the drugs was true, it is highly improbable that they would have sent it to her without her knowledge. It is also very unlikely that they would have sent her that amount of drugs, when she herself claimed that she had only received very small amounts for a special occasion like her birthday or for Christmas. Therefore, the Court does not find the accused's version credible and plausible when she states that her friends sent her that amount of drugs, gratuitously and without her knowledge. Her version certainly does not refute, even to a degree of probability, voluntariness and knowledge on her part of the importation of the cannabis grass.

In view of the above considerations, the Court concludes that the charge has been proved to the degree required by law.

Considerations on punishment

With reference to the punishment to be meted out, this Court is taking into account, the circumstances of the case and the declaration by the prosecution that from the investigations carried out it transpires that the imported drug was intended for the accused's personal use. The Court is also taking into account,

the nature of the charge of which the accused is being found guilty and the amount of the illegal substances found, in meting out what it deems to be the appropriate punishment.

Conclusion

For these reasons, the Court, after having seen Articles 2, 8(d), 12, 14, 15A, 22(1)(a) and 22(2)(b)(ii) of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, finds the accused **Valerie Catherine Camilleri** guilty of the charge brought against her and condemns her to a fine (multa) of one thousand and eight hundred euros (€1800), which fine (multa) can be paid within a period of nineteen (19) months from today by means of monthly installments each amounting to one hundred euros (€100), with the first payment becoming due within a month from today. Should the accused fail to pay any one or more installments, the whole amount outstanding shall become immediately due and payable, and all the provisions of the Criminal Code, Chapter 9 of the Laws of Malta, applicable to the imposition of a fine (multa) and to the imprisonment in default of payment thereof, shall apply accordingly.

Furthermore, in view of the fact that no experts were appointed in this case, the Court is not applying Article 533 of the Criminal Code, Chapter 9 of the Laws of Malta.

The Court orders that the drug exhibited is destroyed, once this judgement becomes final, under the supervision of the Registrar, 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.

Magistrate Dr. Giannella Camilleri Busuttil

Deputy Registrar Michela Attard Deguara