



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

MAGISTRATE DR. ELAINE RIZZO LL.D.

Case No.: 563/2022

POLICE

(Police Inspector Marshal Mallia)

against

MUGGIS SULE

ELIASU MOHAMMED

Today, 5th day of May 2025

THE COURT,

Having seen the charges brought against:

- **MUGGIS SULE**, of 23 years, born in Ghana on the 3rd of April 2000, with no fixed residence in Malta and holder of Ghana passport number H2780396; and
- **ELIASU MOHAMMED**, of 25 years, born in Ghana on the 2nd of May 1998, with no fixed residence in Malta, and holder of Italian travelling document MD0025211;

By virtue of which they were accused for having on the 23rd September 2022 and /or in the previous days, in these Maltese Islands:

1. Supplied or distributed, or offered to supply or distribute the drug (cocaine), specified in the First Schedule of the Dangerous drug Ordinance, Chapter 101 of the Laws of Malta, to person/s, or for the use of other person/s, without being licensed by the President of Malta, without being fully authorised by the Internal Control of Dangerous Drugs Regulations (GN292/1939), or by other authority given by the President of Malta, to supply this drug, and without being possession of an import and export authorisation issued by the Chief Government Medical Officer in pursuance of the provisions of paragraph 6, of the Ordinance and when they were not duly licensed or otherwise authorised to manufacture or supply the mentioned drug, when they were not duly licensed to distribute the mentioned drug, in pursuance of the provisions of Regulation 4 of the Internal Control of Dangerous Drugs Regulations (GN292/1939) as subsequently amended by the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta;
2. Had in their possession the drugs (cocaine) specified in the First Schedule of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, when they were not in possession of an import or an export authorisation issued by the Chief Government Medical Officer in pursuance of the provisions of paragraph 4 and 6 of the Ordinance, and when they were not licensed or otherwise authorised to manufacture or supply the mentioned drugs, and were not otherwise licensed by the President of Malta or authorised by the Internal Control of Dangerous Drugs Regulations (GN292/1939) to be in possession of the mentioned drugs, and failed to prove that the mentioned drugs was supplied to them for their 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 (GN292/1939) 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 their personal use;
3. Supplied or distributed, or offered to supply or distribute the drug (heroin), specified in the First Schedule of the Dangerous Drug Ordinance, Chapter 101 of the Laws of Malta, to person/s, or for the

use of other person/s, without being licensed by the President of Malta, without being fully authorised by the Internal Control of Dangerous Drugs Regulations (GN292/1939), or by other authority given by the President of Malta, to supply this drug, and without being possession of an import and export authorisation issued by the Chief Government Medical Officer in pursuance of the provisions of paragraph 6, of the Ordinance and when they were not duly licensed or otherwise authorised to manufacture or supply mentioned drug, when they were not duly licensed to distribute the mentioned drug, in pursuance of the provisions of Regulation 4 of the Internal Control of Dangerous Drugs Regulations (GN292/1939) as subsequently amended by the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta;

4. Had in their possession the drugs (heroin) specified in the First Schedule of the Dangerous Drug Ordinance, Chapter 101 of the Laws of Malta, when they were not in possession of an import or an export authorisation issued by the Chief Government Medical Officer in pursuance of the other provisions of paragraphs 4 and 6 of the Ordinance, and when they were not licensed or otherwise authorised to manufacture or supply the mentioned drugs, and were not otherwise licensed by the President of Malta or authorised by the Internal Control of Dangerous Drugs Regulations (GN292/1939) to be in possession of the mentioned drugs and failed to prove that the mentioned drugs was supplied to them for their 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 (GN292/1939) 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 their personal use;
5. Produced, sold or otherwise dealt with the whole or any portion of the plant Cannabis in terms of section 8(e) of Chapter 101 of the Laws of Malta;
6. Had in their possession (otherwise than in the course of transit through Malta of the territorial waters thereof) the whole or any portion of the plant Cannabis in terms of section 8(d) of Chapter 101

of the Laws of Malta, which drug was found circumstances denoting that it was not intended for their personal use;

7. Committed these offences in or within 100 metres of the perimeter of a school, youth club or centre, or such other place where young people habitually meet in breach of article 22(2) of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta);

Eliasu Mohammed alone was also charged with:

8. breaching bail conditions as imposed by the Court of Magistrates (Malta) by Magistrate Dr. C. Stafrace Zammit LL.D. on the 5th November 2021, providing that he does not commit another crime of voluntary nature during his release, amongst other conditions as ordered by the same Court as per article 579(2) of Chapter 9 of the Laws of Malta; and
9. for being a recidivist after being sentenced for an offence by a judgement issued by the Court of Magistrates (Malta) presided by Magistrate Dr. R. Montebello LL.D. on the 30th July 2019, which judgement has become absolute.

The Court was requested to issue a freezing order against the accused and also to apply article 533(1) of Chapter 9 of the Laws of Malta, with regards to the expenses incurred by the Court appointed experts.

Having seen the original orders by the Attorney General both on the 24th September 2022, in terms of subarticle (2) of article 22 of the Dangerous Drugs Ordinance (Cap. 101 of the Laws of Malta) for both accuseds to be traileed in front of the Criminal Court¹;

Having seen the subsequent counter orders and 'rinviju għall-gudizzju' issued by the Attorney General on 1st November 2024 in terms of subarticle (2) of article 22 and article 31 of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta and article 370(3) of the Criminal Code for both accused to be traileed by the Court of Magistrates (Malta) as a Court of Criminal Judicature. From the said document it transpires that the Attorney General indicated that from the records of the inquiry it transpires that both accused can be found guilty of any and all of the crimes prescribed in terms of articles 15A, 17, 23, 23A, 23B, 31 and

¹ Fol. 16 of the Acts of Proceedings.

533 of the Criminal Code and Eliasu Mohammed alone can be found guilty of any and all of the crimes prescribed in terms of articles 579(2), 49 and 50 of the Criminal Code².

Having seen that during the sitting held on 4th November 2024, the prosecution closed definitively its case whilst both of the accused declared that, for all intents and purposes of the law, they have no objection for their case to be tried summarily in front of the Court of Magistrates (Malta) as a Court of Criminal Judicature³;

Having seen that during the sitting held on 24th April 2025 both of the accuseds registered a guilty plea to all the charges proffered against them and confirmed the same guilty plea after the Court explained to them in the most solemn manner the legal consequences of their guilty plea and gave them time to reconsider and the opportunity to withdraw the same plea after speaking again to their defence counsel;

Having seen the joint application filed by the accuseds and the Attorney General on 23rd April 2025 wherein the parties declared:

“That the applicants, while declaring that they have reached an agreement in terms of Article 392A(5) of the Criminal Code, taking into consideration the plea of guilty of Sule Muggis and Eliasu Mohammed, registered before this Honourable Court, humbly request that the punishment to be applied to each of them by this Same Honourable Court, that is to Sule Muggis and Eliasu Mohammed, shall be that of a term of four (4) years imprisonment and a fine (multa) of five thousand euro (€5,000), and this together with other sanctions and consequences that are mandatorily prescribed by law upon conviction in terms of the provisions of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, as well as the Criminal Code, Chapter 9 of the laws of Malta, inter-alia the confiscation of any monies and other moveable property belonging or owed to the accuseds in accordance to law.”⁴

² Fol. 585 of the acts of proceedings.

³ Fol. 587 of the acts of proceedings.

⁴ Fol. 607 of the acts of proceedings.

After having seen all the documentary evidence and the full acts of proceedings;

After having heard all the testimonies and submissions made by the parties;

Considers:

Whereas by virtue of the accuseds' guilty plea the charges brought against them have been proven beyond reasonable doubt in terms of law and the Court will proceed to find the accuseds guilty of the same charges;

Whereas, with regards to the punishment that should be imposed on the accused, both the prosecution and the defence counsel declared that they have nothing further to add to the contents of the joint application filed on 23rd April 2025;

Whereas, with regards to the appropriate punishment that should be awarded, this Court took into consideration the following factors:

- The local and foreign case law regarding the plea in mitigation of punishment when the accused person files an early plea of guilt and in particular “Ir-Repubblika ta’ Malta vs. Nicholas Azzopardi” [24.2.1997] (Criminal Court); “Ir-Repubblika ta’ Malta vs. Mario Camilleri” [5.7.2002] (Court of Criminal Appeal); “Il-Pulizija vs. Emmanuel Testa” [17.7.2002] (Court of Criminal Appeal) and others) as well as BLACKSTONE’S CRIMINAL PRACTICE. Now in this case the guilty plea was registered at a very advanced stage in the proceedings and this after the case was adjourned for final submissions;
- Blackstone’s declaration, which has been adopted by various Maltese case law - “*Where an offender has been caught red handed and a guilty plea is inevitable, any discount may be reduced or lost (Morris [1998] 10 Cr. App. R. (S) 216; Landy [1995] 16 Cr. App. R. (S) 908)*”
- The quality, quantity and purity of the dangerous drugs involved in this case namely cannabis in the amount of 604.35 grams, cocaine in the amount of 0.22 grams and heroine in the amount of 0.12 grams.
- The consequences of the charges proffered against the accused particularly the consequences on the Maltese society if the said drugs were distributed in the local illegal market had they not been intercepted the police;

- Having seen other cases decided by this Court where the facts of the case were somewhat similar - though obviously never identical - for the purpose of maintaining a desirable degree of uniformity in punishment;

Whereas, for the above reasons, the Court is satisfied that the sanction and punishment agreed to by the Prosecution and the Defence can be legitimately imposed upon the conviction of Muggis Sule and Eliasu Mohammed for the offences to which they have pleaded guilty. Consequently the Court agrees with the imposition of such sanctions and punishments and in terms of article 392A of the Criminal Code will be upholding the joint request filed by the Attorney General and the accuseds on 23rd April 2025. However, in addition to the contents of the joint application, the Court, limitedly with regards to the accused Eliasu Mohammed, given his guilty plea for the offence in terms of article 579(2) of the Criminal Code, will be ordering the confiscation of part of the bail guarantee, as it is mandatory obliged to do in terms of article 579(2) of the Criminal Code.

Decide:

Hence, for these reasons, **this Court, after having seen Part V and VI, articles 8(d), 8(e), 22(1)(a) u (e), 22(1B), 22(2)(b)(i), second proviso to subarticle 22(2) and 22(3A) of the Dangerous Drugs Ordinance, Cap. 101 of the Laws of Malta, Regulations 4, 5, 7 and 9 of the GN 292 of 1939 as subsequently amended and articles 49, 50 and 579(2) of the Criminal Code, upon their admission, is finding the accuseds, Muggis Sule and Eliasu Mohammed, guilty of all the charges brought against them.**

Consequently, this Court is upholding the joint application filed by the Attorney General and both the accused on 23rd April 2025, and is condemning both of the accused Muggis Sule and Eliasu Mohammed to the requested period of four (4) years effective imprisonment and to a fine *multa* of five thousand euro (€5,000) each. If this fine is not paid within twelve months from today, the Court orders that such fine is automatically converted into a further period of imprisonment according to article 11 of the Criminal Code;

In addition in terms of article 579(2) of the Criminal Code and limitedly with regards to Eliasu Mohammed, the Court is ordering the forfeiture of one thousand Euros (€1,000) in favour of the Government of Malta representing part of the bail guarantee in terms of the bail decree issued by the Court of

Magistrates (Malta) as presided by Magistrate Dr. C. Stafrace Zammit on 5th November 2021⁵.

Additionally, in terms of article 533 of Chapter 9 of the Laws of Malta, the Court is ordering Sule Muggis and Eliasu Mohammed to pay the Registrar of this Court the sum of seven hundred and seven Euros and forty-seven Euro cents (€707.47) each⁶ being the expenses incurred in the employment of experts in relation to the charges for which they were found guilty.

Furthermore, the Court is ordering that all objects related to the aforementioned offences (of which the accuseds have been found guilty) together with all monies and other moveable and immovable property pertaining to said persons convicted be forfeited in favour of the Government of Malta;

Finally, the Court is ordering the destruction of the drugs, once this judgement becomes final and definitive, under the supervision of the Court Registrar, who shall draw up a process-verbal documenting the destruction procedure. The said proces-verbal shall be inserted in the records of these proceedings by not later than fifteen days from said destruction.

The Court is ordering a communication of this judgement to the Asset Recovery Office and the Registrar of the Criminal Courts and Tribunals.

Magistrate Dr. Elaine Rizzo BA, LLD

**Christine Farrugia
Deputy Registrar**

⁵ Case nuber 184/2021

⁶ Matthew Galea and PS1331 Debattista: €483.45; PS844 Carl Micallef: €103.79; Godwin Sammut: €341.59; Joseph Mallia: €486.12. Totalling to Eur. 1,414. 95. Expenses for Keith Cutajar and Dr. Marisa Cassar were not included as expenses incurred do not transpire from the acts of proceedings.