



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

**MAGISTRATE DR.
CONSUELO-PILAR SCERRI HERRERA**

Sitting of the 7th July, 2004

Number 386/2004

**The Police
Inspector Pierre Grech
V**

ALFRED LEWIS ST. JOHN

The Court

Having seen that the accused **ALFRED LEWIS ST. JOHN** aged 32, son of Alfred and Patricia nee Capslick born in Leeds, United Kingdom on the 24th February 1972 and residing at Wellington Court, 2B, Wilga Street, St. Julians, in possession of a United Kingdom passport number 454264556 was arraigned before her accused with having on these Islands on the 6th July 2004 and the previous four months, had in his possession the drug Heroine, a drug which is 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 authorisation for its importation/exportation issued by the Chief Government Medical Officer as per Regulation 4 and Section 6 of the same Ordinance and when he was not in any way licensed or authorised to manufacture or supply the drug and when he was not in any other way authorised by the President of Malta in line with the 1939 Regulations regarding the Dangerous Drugs [GN 292/1939] to have the same drug in his possession and when he failed to prove that the Heroine in his possession had been acquired by him through a lawful prescription as is laid down in Regulation 8 of the regulations published in 1939 for the Internal Control of Dangerous Drugs [GN 292/1939] as subsequently amended and this in violation of the Dangerous Drugs Ordinance Chapter 101 of the Laws of Malta.

Having seen all the documents exhibited in the acts of these proceedings by the Prosecution in particular the consent of the Attorney General in terms of sub section 2 of Section 22 of the Dangerous Drugs Act Chapter 101 dated 7th July 2004 and the statement released by the same accused on the 6th July 2004.

Having heard the accused plead guilty to the charges brought forward against him when he was duly examined in terms of sections 370(4), 390(1) and 392 of Chapter 9 of the Laws of Malta.

The Court explained to the accused the consequences of his plea of guilt and after having given the accused sufficient time to reconsider his plea of guilt and saw that the same accused insisted on registering in the acts of these proceedings his plea of guilt, had no alternative but to register such plea.

In the light of the above plea of guilt which guilty plea was made voluntarily, expressly and unconditionally, the Court is satisfied that the accused is to be found guilty of the charges brought forward against him.

The Court considered the following facts as mitigating circumstances for the Court to go below the minimum in awarding punishment:

1. In particular the full co-operation of the accused and this from an early stage right from the beginning of the investigation when he released his statement on the 6th July 2004;
2. The early plea of guilt registered in these proceedings during the first sitting when the examination of the accused took place in terms of sections 370(4), 390(1) and 392 of the Criminal Code.
3. The negligible amount of drug found enough for one joint.

Consequently the Court saw the relevant sections at law in particular section 8(a)(d) of Chapter 101 of the Laws of Malta and GN 292/ 1939.

The Court, after having regard to the circumstances of the case, including the nature of the offence and the character of the offender, declares the accused ALFED LEWIS ST. JOHN guilty of the charges brought forward against him, condemns him to a period of imprisonment of six months which period is being suspended for a period of one year in conformity with article 28A of Chapter 9 of the Laws of Malta.

The Court explained the importance of this judgment to the accused and what would happen should he fail to observe it.

< Final Judgement >

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