



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

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

Sitting of the 21st October, 2006

Number 416/2006

**The Police
Inspector Dennis Theuma
v**

JOHN KIRKPATRICK

The Court,

Having seen that the accused **JOHN KIRKPATRICK** aged 35 years, born in Scotland on the 6th October 1971 son of John and Isabelle nee Paul, residing at Flat 6a, Point Flats, Gorg Street, Sliema, in possession of passport number 704976542 was brought forward before her and charged with having on the 19th October 2006 and in the years prior to this date in these Islands;

a. Had in his possession the drugs [Heroin and 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 [GN 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 [GN 292/1939] as subsequently amended by the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta;

b. For having had in his possession the drug methadone, 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 [GN 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 [GN 292/1939] as subsequently amended by the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta;

c. For having on the 19th October 2006, and in the months prior to this date in these Islands imported or brought into, or exported from Malta the drug [methadone for personal] use without due authorization and in breach of the 1939 Regulations of the Internal

Control of Dangerous Drugs [GN 292/1939] as subsequently amended by the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta.

Having seen all the documents exhibited in these proceedings in particular the consent of the Attorney General with regards to sub section 2 of Chapter 22 of the Ordinance regarding Dangerous Drugs Chapter 101 of the Laws of Malta so that this case is dealt with summarily, and the statement released by the accused on the 19th October 2006.

Having heard the accused plead guilty, when the examination in chief was made to him in terms of section 390 (1) and 392 of Chapter 9 of the Laws of Malta on the 21st October 2006.

Having cautioned the accused in the most solemn manner with regards to the legal consequences ensuing from his guilty declaration and having given the same accused time to reconsider his guilty plea, the accused insisted on registering a guilty plea as in fact was registered in the acts of these proceedings on the 21st October 2006.

The Court before proceeding to pronounce judgment, as was its duty to do, heard the Prosecution make its submission regarding the punishment which should be awarded to the accused.

The Court, having been assured that accused understood the nature of the accusations brought forward against him had no alternative but to find the accused guilty of such charges.

Having heard the prosecution declare that the accused should, in his opinion, benefit from section 29 of Chapter 101, since the accused confirmed his statement on oath which statement is of utmost importance for the prosecution in relation to proceedings taken against third parties mentioned in said statement.

The Court took note of the following before proceeding to pronounce judgment in particular the early admission of guilt and the fact that the Court was dispensed from hearing all the evidence; the full co-operation of the accused with the prosecuting officer and what was stated by the same prosecuting officer in the sitting of the 21st October 2006 and the clear conviction sheet of the accused.

The Court having seen section 8(a)(d) of Chapter 101 of the Laws of Malta and the Government Notice numru 292/1939 declares to find the accused JOHN KIRKPATRICK guilty of the charges brought forward against him on his own admission and decides to fine him the sum of two hundred [200] maltese liri which sum is to be paid within six [6] months from today.

The Court nominates Pharmacist Mario Mifsud to withdraw the drug exhibited in the acts of these proceedings and consequently destroy same.

< Final Judgement >

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