



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

**MAGISTRATE DR.  
MARSEANN FARRUGIA**

Sitting of the 22 nd September, 2010

Number. 286/2010

**The Police  
(Inspector Pierre Grech)**

**vs.**

**Ryan Kerr**

The Court,

Having seen the charge brought against Ryan Kerr, twenty-eight (28) years old, son of Francis and Linda nee Cairns, born in the United Kingdom on the nineteenth (19<sup>th</sup>) March 1982, residing at 13, Omega Court, Flat 22, Triq Ananija, St. Paul's Bay, and/or (unknown number), Triq il-Kbira, Mellieha, holder of identity card number 41795A.

For having in these islands on the 17<sup>th</sup> September 2010 and during the preceeding months, been in possession of

the drug cocaine, 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 not licensed or authorised to manufacture or supply the drug and when not in any other way authorised by the President of Malta in line with the 1939 Regulations regarding the control of Dangerous Drugs (G.N. 292/1939) to have the same drug in his possession and when he failed to prove that the cocaine in his possession had been acquired by himself through a lawful prescription as is laid down in the regulations published in 1939 for the Internal Control of Dangerous Drugs (G.N. 292/1939) as subsequently amended and this in violation of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta.

The Court was also requested in case it finds the accused guilty, apart from inflicting the punishment according to law, to order the accused to pay the expenses relating to the appointment of experts in accordance with Section 533(1) of Chapter 9 of the Laws of Malta.

After having heard the evidence and seen the all the records of the case, including the order of the Attorney General in virtue of subsection two (2) of Section 22 of the Dangerous Drugs Ordinance (Chapter 101), for this case to heard by this Court as a Court of Criminal Judicature;  
After having heard the accused plead guilty to the charge at an early stage of the proceedings, which admission was confirmed by the same accused even after the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him of the legal consequences of that admission, and allowed him sufficient time to re-consider his reply, and to change it;  
After having heard the oral submissions on the punishment;  
Considered that:

From the evidence brought forward and from the guilty plea filed by the accused himself, the Court concludes that the accused is guilty of the charge laid against him.

As regards the punishment, the Court took into consideration the fact that the accused admitted to the charge at a very early stage of the proceedings, the fact that he co-operated with the police, and that he has a clean criminal record;

The Court, after seeing Part IV and Part VI, and Section 22(1)(a) and Section 22(2)(b)(ii) of Chapter 101 of the Laws of Malta, and regulation 9 of GN 292/1992, finds the accused guilty as charged, but in the light of the considerations above-mentioned, and by applying Section 22 of Chapter 466, is discharging him, on condition that he does not commit another crime within twelve (12) months from to-day.

In view of the declaration of the prosecuting officer that no experts were appointed in this case, the Court is abstaining from considering the request to condemn the accused to pay such costs.

In accordance with Section 22(3) of Chapter 446 of the Laws of Malta, the Court explained in clear and simple language the meaning of this judgement to the accused.

**< Final Judgement >**

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