



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

**MAGISTRATE DR.
ANTONIO MICALLEF TRIGONA**

Sitting of the 9 th August, 2011

Number 273/2011

The Police
(Inspector Johann J Fenech)

vs.

Jason Kearney Howes

The Court,

Having seen the charges brought against the accused, son of Timothy and Caroline nee' Kearney, born in Reading, England on the 17.05.1989, residing at No 131, School Road, Reading, UK and/or No 63, Flat 1, Cathedral Street, Sliema and holder of British passport no 207870458 and Maltese ID card no 61902A, charged with having on these Islands in the month of August 2011 and the previous months:

a) had in his possession the drug cocaine specified in the First Schedule of the Dangerous Drug 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 (G.N.292/1939) to be in possession of the mentioned drugs, and failed to prove that the mentioned drugs was 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 (G.N.292/1939) as subsequently amended by the Dangerous Drugs Ordinance Chapter 101, of the Laws of Malta;

b) had in his possession the psychotropic and restricted drug (**ecstasy**) without a special authorisation in writing by the superintendent of Public Health, in breach of the provisions of the Medical and Kindred Professions Ordinance, Ch 31 Laws of Malta and the Drugs (Control) Regulations, Legal Notice 22 of 1985 as amended, and

c) had in his possession the whole or any portion of the plant Cannabis in terms of Section 8 (d) of the Chapter 101 of the Laws of Malta.

The Court is humbly requested that, in pronouncing judgment or in any subsequent order, sentence the person convicted to the payment, wholly or in part, to the registrar, of the costs incurred in connection with the employment in the proceedings of any expert or referee, including such experts as would have been appointed in the examination of the process verbal of the inquiry, within such period and in such amount as shall be determined in the judgment or order.

Having seen the Attorney General's consent that the case be heard summarily by this Court, as a Court of Criminal Judicature;

Informal Copy of Judgement

Having heard the accused plead guilty to the charges brought against him on which plea the accused insisted even after having been given time to reconsider;

Having seen Legal Notice 292/1939, Legal Notice 22/1985 Article 8(d) and 22(2)(b) of Chapter 101.

Having considered that the drugs were for his personal use and the voluntary and unconditional guilty plea registered at this early stage, declares him guilty of the charges but acquits him by application of Article 22 of Chapter 446 for two years from today.

The Court explained to the accused his responsibilities according to this judgment.

< Final Judgement >

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