



**QORTI TAL-MAGISTRATI
(GHAWDEX) BHALA QORTI TA' GUDIKATURA
KRIMINALI**

**MAGISTRAT DR.
NEVILLE CAMILLERI**

Seduta tat-13 ta' Lulju, 2011

Numru. 64/2011

**Police
(Inspector Josric Mifsud)**

vs

Kai Merten, 26 years, son of Jost and Louise nee' Darmanin, born in Pieta' on the 20th November, 1984, residing at 151, Main Street, Balzan, holder of identity card number 557384(M);

The Court;

Having seen the charges brought against KAI MERTEN charged with having on these islands at 'Tan-Nepputi', Triq id-Disgha u Ghoxrin ta' Awwissu, 1679, Gharb (Gozo) and various other areas on these Islands, on the 05th March 2011, and previous year before this date, and time;

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a) had in his possession the resin obtained from the plant Cannabis, or any other preparation of which such resin formed the base, in terms of Section 8 (a) and (d) of Chapter 101 of the Laws of Malta;

b) had in his possession the restricted and psychotropic drug (ecstasy) when he was not authorised according to the said regulations, and this in breach of Regulation 5(1) of the Legal Notice 22 of 1985, and 40(A) and 120(A) and the third schedule under the Medical and Kindred Professions Ordinance Chp. 31 of the Laws of Malta and article 16 of Act V of 1985 as amended;

In case of guilt Court was requested to cause Kai Merten to pay for any experts the Court may nominate in the course of the procedures in terms of Section 533 of Chapter 9 of the Laws of Malta;

Having seen the documents exhibited;

Having seen the consent of the Attorney General dated 13th May 2011;

Having heard the accused admit to the charges brought against him which guilty plea was reaffirmed by the accused after having been given sufficient time according to Law to reconsider the same;

Considers:

That in view of the guilty plea filed by the accused the Court finds the accused guilty as charged.

That in considering the punishment to be inflicted the Court is taking into consideration the early guilty plea filed by the accused.

Consequently the Court after having seen Parts 4 and 6 and Sections 8 (a) and (d) of Chapter 101 of the Laws of Malta, Regulation 9 of Subsidiary Legislation 101.02, Regulation 5(1) of Legal Notice 22 of 1985 and 40(A) and 120(a), 120 (A)(2)(b)(ii) and the third schedule under the

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Medical and Kindred Professions Ordinance of Chapter 31 of the Laws of Malta and Article 16 of Act V of 1985, finds the accused guilty as charged but in view of the above-made considerations and after having seen Section 22 of Chapter 446 of the Laws of Malta the Court is acquitting the accused on condition that he does not commit another crime within eighteen (18) months from today.

The Court explained to the accused the consequences according to Law if he commits another crime during this period.

The Court abstains from taking cognizance of the Prosecution's request wherein it asked the Court to order the accused to pay the expenses related to the appointment of experts since no such experts were ever appointed.

Finally, the Court orders the disposal and destruction of document G by the Prosecution.

< Sentenza Finali >

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