



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

**MAGISTRATE DR.  
MARSEANN FARRUGIA**

Sitting of the 11 th February, 2013

Number. 177/2012

**The Police  
(Insp Carol Fabri)**

**vs.**

**Sean Samuel Clark**

The Court,

Having seen the charge brought against Sean Samuel Clark, son of Thomas and Elizabeth nee' Crowley born in France on the 6<sup>th</sup> January 1993 and residing Cosmopolitan Block B Flat 8, Triq I-Istamnar St Paul's Bay, ID 49401 (A).

Charged with having on these islands during the night of the 4<sup>th</sup> February 2012 and during the past weeks prior to this date, had in his possession (otherwise than in the course of transit through Malta of the territorial waters

thereof) the whole or any portion of the plant cannabis in terms of Section 8(d) of Chapter 101 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 cooperated with the police, that he filed an early guilty plea and also that he has a clean conduct sheet.

The Court, after seeing Sections 8(d), 22(1)(a) and 22(2)(b)(ii) of Chapter 101 of the Laws of Malta, finds the accused guilty as charged, but in the light of the considerations above-mentioned, and by application of Article 7 of Chapter 446 of the Laws of Malta is putting the accused under a Probation Order for a period of three years from today, with the conditions contained in the same Probation Order herewith attached and which forms an integral part of this judgment.

The Court has warned the accused about the legal consequences if he commits another crime within the prescribed operative period of the Probation Order or if he fails to abide by one of the orders stipulated in the Probation Order, and the accused confirmed his will that he will abide by this Probation Order.

The Court orders that a copy of this judgment be sent to the Director Probation Services and Parole.

Informal Copy of Judgement

The Court orders the destruction of the drug under the supervision of the Registrar.

**< Final Judgement >**

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