



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

**MAGISTRAT DR.
NATASHA GALEA SCIBERRAS**

Seduta tad-9 ta' April, 2013

Numru. 375/2012

**The Police
(Inspector Jesmond J. Borg)**

vs

Deji Rotimi

The Court,

Having seen the charges brought against Deji Rotimi, aged 35, son of Jimoh and Fatimo nee` Rotimi, born in Nigeria on 20th July 1977, residing at Hangar Open Centre, l/o Hal-Far, Birzebbugia and holder of identity card number 69767A;

Charged with having on the night between the 25th and 26th August 2012, whilst in Paceville, and during the previous days, on these Islands:-

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a) 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, which drug was found under circumstances denoting that it was not intended for his personal use;

b) Had in his possession (otherwise than in the course of transit through Malta of the territorial waters thereof) the resin obtained from the plant Cannabis, or any other preparation of which such resin formed the base, in terms of Section 8(a) of Chapter 101 of the Laws of Malta, which drug was found under circumstances denoting that it was not intended for his personal use;

c) Committed these offences in, or within 100 metres of the perimeter of, a school, youth club or centre, or such other place where young people habitually meet in breach of Article 22(2) of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta.

The Court was also requested to apply Section 533(1) of Chapter 9 of the Laws of Malta, as regards the expenses incurred by the Court-appointed experts.

After having seen the minute of the sitting held on 1st March 2013, where the parties exempted this Court, as presided, from hearing again all the evidence which had been produced in this case until that date and after having seen 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 be heard by this Court as a Court of Criminal Judicature;

After having heard the oral final submissions of the defence and noted that the Prosecution declared that it

was resting its case on the basis of the evidence produced.

Considered that:

Considerations on Guilt

The relevant facts of this case are as follows:

1. On 26th August 2012, at about 1:30 a.m., Police Officers who were patrolling the Paceville area, and who at the mentioned time were patrolling the area situated downhill from Axis, also known as Axis' parking place, noticed the accused and another two youths, who were acting suspiciously. Upon approaching the accused and the said youths, the Police Officers noted that the accused was holding something in his hand, which he threw away, as soon as he noticed the presence of the said Police Officers.¹

2. Upon searching the area with the aim of recovering whatever had been thrown away by the accused, the Police Officers found a small plastic bag, containing two small bags with suspected cannabis grass. A further search near the area where the said plastic bag was found, yielded also a black pouch, which contained a further number of plastic bags – also containing suspected cannabis grass and another substance suspected to be cannabis resin.²

3. Both at the scene where he was arrested and in his statement, the accused stated that he was merely selling

¹ *Vide* evidence of PS 1174 Adrian Sciberras (a fol. 19 of the records of the case), PS 1213 Carlos Axisa (a fol.23 of the records of the case), WPC 297 Rhian Spiteri (a fol. 26 of the records of the case) and Inspector Jesmond J. Borg (a fol. 100 and 101 of the records of the case).

² *Vide* evidence of PS 1174 Adrian Sciberras (a fol. 20 and 21 of the records of the case), PS 1213 Carlos Axisa (a fol. 24 of the records of the case), WPC 297 Rhian Spiteri (a fol. 26 and 27 of the records of the case) and Inspector Jesmond J. Borg (a fol. 101 of the records of the case).

condoms to the youths, who were French nationals. On their part, the latter, at first told the Police Officers that they had been seeking directions from the accused, but subsequently upon hearing the accused stating in a loud voice that he was selling condoms, they insisted that they simply wanted to buy condoms from the accused. No condoms were found in the possession of the accused or in the area.³ The Police Officers also seized a mobile phone, which was found in the possession of the accused.⁴

4. Upon a search, the French youths were not found to be in possession of any illegal substances and they were released immediately. Their details were not taken and they were not investigated any further.⁵

In view of the above, the exercise which has to be undertaken by this Court is to analyse whether the charges brought against the accused have been proved by the prosecution beyond a reasonable doubt. For this purpose, the Court is going to examine the evidence brought in respect of each charge.

a) Possession of the whole or any portion of the plant Cannabis in terms of Section 8(d) of Chapter 101 of the Laws of Malta, under circumstances denoting that it was not intended for the accused's personal use.

As already stated above, on 26th August 2012, at about 1:30 a.m., Police Officers PS 1174 Adrian Sciberras, PC 1213 Carlos Axisa and WPC 297 Rhian Spiteri, who were patrolling the Paceville area and who at the time, were patrolling the area downhill from Axis, also known as Axis' parking place and described by PS 1174 as "a remote

³ *Vide* evidence of PS 1174 Adrian Sciberras (a fol. 20 of the records of the case) and Inspector Jesmond J. Borg (a fol. 101 of the records of the case).

⁴ *Vide* evidence of PS 1174 Adrian Sciberras (a fol. 21 of the records of the case) and WPC 297 Rhian Spiteri (a fol. 27 of the records of the case).

⁵ *Vide* evidence of Inspector Jesmond J. Borg (a fol. 109 of the records of the case).

area”⁶, noticed the accused and another two persons acting in a suspicious manner. Upon approaching them, the said Officers noticed that the accused was holding something in his hand, which he threw away, upon becoming aware of the presence of the Police Officers. This was confirmed by PS 1174 Adrian Sciberras, by PC 1213 Carlos Axisa and also by WPC 297 Rhian Spiteri⁷. Upon searching the area, PS 1174 Adrian Sciberras and PC 1213 Carlos Axisa found a small plastic bag, containing two small bags with suspected cannabis grass. In his evidence, PC 1213 Carlos Axisa stated that “*I ... told PS 1174 that he had thrown something and later on we picked it up and it [was] suspected to be cannabis grass. It was in a packet, in a plastic bag. There were 2 packets in a plastic bag*”.⁸ This plastic bag containing two packets, as described, was exhibited during these proceeding as part of Doc. LB1.

Upon further searching the area where the said plastic bag was found, PS 1174 Adrian Sciberras also came across a black pouch, which contained a number of plastic bags, also containing suspected cannabis grass and another substance suspected to be cannabis resin. According to PS 1174 Adrian Sciberras, “*there were more than 10 plastic bags ... containing the same substance, marijuana grass*”⁹ and “*another substance suspected to be resin*”¹⁰ in the said pouch. The said Police Officer explained that the said black pouch was found about 40 centimetres away from the first plastic bag found.

During the proceedings, it resulted that the substances collected from the scene consisted of two pieces of cannabis resin, with a mean purity for the substance THC of circa 7.3% and weighing 1.79 grams in total. Furthermore, 11 small plastic bags contained crushed

⁶ *Vide* evidence of PS 1174 Adrian Sciberras (a fol. 19 of the records of the case).

⁷ *Vide* evidence of PS 1174 Adrian Sciberras (a fol. 19 of the records of the case), PC 1213 Carlos Axisa (a fol. 23 of the records of the case) and WPC 297 Rhian Spiteri (a fol. 26 of the records of the case).

⁸ *Vide* evidence of PC 1213 Carlos Axisa (a fol. 24 of the records of the case).

⁹ A fol. 20 of the records of the case.

¹⁰ A fol. 21 of the records of the case.

cannabis plants with a mean purity for THC of circa 10.2% and a total weight of 9.14 grams.¹¹

Both at the scene where he was arrested and in his statement, the accused stated that he was merely selling condoms to the other two youths. PS 1174 Adrian Sciberras stated that "*We spoke to him, he kept shouting, 'I was selling condoms to these guys'*".¹² WPC 297 Rhian Spiteri confirmed that the accused stated that "*he was making contact with two foreign persons to sell them condoms*".¹³ It does not result from the records of these proceedings as to whether the accused had been duly cautioned by the Police Officers about his right to remain silent and his right to seek legal advice before he was spoken to by the said Police Officers. However, the only information which the said Police Officers seem to have obtained from the accused at that point, was merely that he was selling condoms. This was indeed repeated by the accused during his interrogation by Inspector Jesmond J. Borg and is indeed consistent with that which was held by the accused in his statement of 26th August 2012.

Indeed in his statement, released on 26th August 2012 at 10.30 a.m., after he was duly cautioned in terms of law and informed of his right to seek legal advice, which right, however, he refused to exercise, and upon being questioned as to the reason for his contact with the two youths mentioned above, the accused replied as follows:-

"A: I greet my friend, a Somali who asked me for a cigarette and I gave him a cigarette. The tourist came for me and first they asked me for a condom. I asked them that I have and I was selling them for €3. All of a sudden, the police came and they did not give me the money.

Q: Why did the police stop you and what did you have in your hand?

¹¹ *Vide* report presented by the Court-appointed expert Pharmacist Mario Mifsud (a fol. 53 et seq of the records of the case).

¹² *Vide* evidence of PS 1174 Adrian Sciberras (a fol. 20 of the records of the case).

¹³ A fol. 27 of the records of the case.

A: I do not know why the police stopped me but in my hand, I had a condom. When the police came to me, I had two packets and I was scared as the police were not wearing a uniform. So, I threw the two packets of condoms away. Then they handcuffed me. Then they told me to sit down and then one of the police picked up something and told me to see it. I told them that it was not mine as I only had condoms. Then they went again and after 10 minutes, they come back to me and they bring a black small bag and showed it to me. I told them that it was not mine and they told me to shut up.

...

Q: You are saying that you threw away the condoms. Are the condoms illegal in Malta?

A: I do not know the law in Malta.

Q: So if it really was condoms, why did you throw them away?

A: Someone came to me without uniform and grabbed me. There was a guy and told me not to keep the condom in my pocket because sometimes, police came."¹⁴

In his statement, the accused denied that he abused of drugs or that he abused of drugs whilst in Malta and further denied dealing in drugs during that night. He also stated that the black pouch containing cannabis grass and cannabis resin did not belong to him and that he did not know to whom the first packet found by the Police Officers belonged.

Inspector Jesmond J. Borg, who interrogated the accused, also stated that upon questioning the accused as to the reason for selling condoms once there were many condom vending machines in Paceville, he replied

¹⁴ A fol. 17 and 18 of the records of the case.

that he could sell condoms for a lower price and that indeed he could sell condoms for €2. When Inspector Borg pointed out to the accused that it was possible to buy condoms for a cheaper price from the said vending machines, the accused insisted that he was selling condoms and that foreign youths often bought such condoms from him.¹⁵ This part of the interrogation of the accused by Inspector Borg does not result from the statement given by the accused. However, Inspector Borg states, in his evidence, that he spoke to the accused only after the latter was duly cautioned and informed of his right to seek legal advice. The Court is thus taking into account also this part of the evidence given by Inspector Jesmond J. Borg.

Of relevance is also the evidence given by PS 1174 Adrian Sciberras, who stated that once the French youths heard the accused stating in a loud voice that he was selling condoms, the said youths stated that they were going to buy condoms from the accused. Initially, however, they had told PS 1174 that they had been asking for directions from the accused.¹⁶

The Court considers the accused's as well as the youth's version of events to be anything but credible. Indeed, first of all, it is highly unlikely that the two youths made contact with the accused with the aim of buying condoms, in a remote area in Paceville, where countless condom vending machines are readily available. It is also highly unlikely that the said youths had gone to a remote area in Paceville to seek directions from the accused, who is not Maltese. In any case, the youths themselves subsequently changed their version. Secondly, the accused knew that condoms could be bought from vending machines in Paceville (since he stated that he could sell them for a lower price) and therefore he had no reason to believe that selling condoms was illegal in Malta as he seems to imply in his statement. Had he really been trying to sell condoms to the said youths and had he

¹⁵ *Vide* evidence of Inspector Jesmond J. Borg (a fol. 102 of the records of the case).

¹⁶ A fol. 20 of the records of the case.

really been holding two packets of condoms when the Police approached him, he would have had no reason to throw such condoms away. Furthermore, his version that someone had told him that he should not keep any condoms in his pocket “*because sometimes, police come*” is not credible. Even if, merely for argument’s sake, the accused had been taken by surprise when the Police Officers approached him and as a result threw the packets of condoms away in alarm, such packets would have been found by the said Police Officers in the area. It is indeed significant, however, that despite the fact that the accused stated that he had thrown away two packets of condoms, no such packets were found on the scene.¹⁷ Neither were any packets of condoms found in the possession of the accused.

The credibility of the accused in so far as his statement is concerned is also put into question in view of his denial of his abuse of any drugs or of his abuse of drugs whilst in Malta. Indeed, Dr. Joseph Spiteri, who provided psychiatric care to the accused when the latter was admitted to Mount Carmel Hospital on the day of his arrest, testified that the accused had told him about the his chronic use of cannabis and that this abuse on the part of the accused was “*pretty frequent*”, to the extent that he had been abusing of this substance since he was a child.¹⁸

Upon its cross-examination of the witnesses brought forward by the prosecution, the defence questioned the Police Officers’ conclusion, at the scene, that the accused was in fact selling drugs to the French youths rather than buying drugs from them. Yet in this regard, the Court finds nothing in the evidence produced to support this thesis of the defence. Firstly, at no point in his statement, did the accused infer or imply, even remotely, that he was “*buying*” rather than “*selling*” drugs to the other two persons. Secondly, he in fact declared that he was “*selling*” rather than “*buying*”, but insisted that he was

¹⁷ A fol. 20 of the records of the case.

¹⁸ A fol. 40 and 41 of the records of the case.

selling condoms and not drugs. Thirdly, WPC 297 Rhian Spiteri stated in her cross-examination that the accused was seen “*passing something to the other two persons that were next to him*”.¹⁹ As held above, upon becoming aware of the presence of Police Officers, the accused was then seen throwing away a plastic bag, which subsequently was found to contain marijuana grass. On the other hand, nothing suspicious was found in the possession of the other two persons. Furthermore, upon being apprehended, it was the accused who started shouting “*I was selling condoms*”, which further denotes that he knew that he had been caught in an illegal act and sought to justify his actions.

In the judgement delivered by the Honourable Court of Criminal Appeal on 12th May 2005, in the names ***Il-Pulizija vs Marius Magri***, it was held that it is not the first time that charges of possession of drugs found under circumstances denoting that such drugs were not intended for personal use, present certain difficulties for one to determine whether the drugs found were intended for personal use or otherwise. The principle that must regulate these cases is that the Court must be satisfied beyond any reasonable doubt and on the basis of the evidence brought by the prosecution that the drugs in question were not intended for the personal use (namely for the sole use) of the person in whose possession such drugs are found. Even evidence of one circumstance in this regard may, depending on the circumstances of the case, be sufficient. When the quantity of drugs found is quite substantial, this may be a circumstance which on its own, is sufficient to satisfy the Court that such possession was not intended for the exclusive use of the person sentenced (*Vide* also in this sense the judgement delivered by the Honourable Court of Criminal Appeal on 26th August 1998, in the names ***Il-Pulizija vs Carmel Degiorgio***).

Indeed it is clear, from the circumstances of this case, that the accused’s intention on that night was to sell illegal

¹⁹ A fol. 28 of the records of the case.

substances to the youths, who had approached him for this sole purpose. As already stated above, as soon as he noticed the presence of the Police Officers, the accused threw away a plastic bag, containing two small plastic bags with cannabis grass. This plastic bag was found at the scene by the said Police Officers, who had in fact seen the accused throw away the said plastic bag.

These circumstances, including the unconvincing version of events provided by the accused, which were not substantiated by the findings of the Police Officers upon searching the area, lead the Court to conclude that this charge has been proved by the prosecution beyond reasonable doubt. However, this only limitedly to the night between the 25th and 26th August 2012 and not during previous days as indicated in the charge.

However, the Court has not found sufficient evidence in the records of these proceedings to conclude that the black pouch, containing several plastic bags with cannabis grass and resin, found also at the scene by the Police Officers, belonged to the accused. Indeed, although it is very likely that the said pouch did in actual fact belong to the accused, the Court is not satisfied that this has been proved by the prosecution beyond reasonable doubt.

In this regard, PS 1174 Adrian Sciberras, on cross-examination, stated as follows:-

“Lawyer: Did you actually see the pouch in somebody’s hand while this was going on?

Witness: It was dark. I saw something in his hand and I saw something flying. But I did not see where it landed. PC 1213 pointed out that he saw the plastic bag where it landed. PC 1213 pointed out the plastic bag. He told me that is the thing he threw away.”²⁰

²⁰ A fol. 21 of the records of the case.

And with specific reference to the said black pouch, and whether he had seen it in the hands of the accused or of any one of the two foreigners, PS 1174 replied as follows:-

“I cannot say that I saw it. It was dark. I saw something in his hand but I cannot say that it was that black pouch. But I found it about 40 cm away from the plastic bag.”²¹

Similarly, PC 1213 Carlos Axisa stated, on cross-examination, that at no point had he seen the black pouch in the hands of the accused.²² WPC 297 Rhian Spiteri also testified that she had not seen the black pouch in the possession of the accused.²³ This was also confirmed by Inspector Jesmond J. Borg upon his cross-examination.²⁴

During the sitting held on 5th December 2012, the Prosecution requested the Court to nominate a court expert in order to carry out a comparison between the cannabis grass found inside the bag, which the accused was seen to have thrown away at the scene, and the remaining sachets of cannabis grass that were found inside the black pouch. The Prosecution also requested the said court expert to make a mechanical fit between these separate sachets. Although the Court, during the same sitting, did in fact accede to this request and appointed pharmacist Mario Mifsud to carry out the said task²⁵, during the following sitting held on 18th December 2012, the Prosecution informed the Court that the said request could not be adhered to, in view of the fact that the sachets containing cannabis grass had been mixed when the first analysis was carried out. The Prosecution thus withdrew the request that had been made during the previous sitting.²⁶ It could thus not be established whether the cannabis grass inside the plastic bag, which the accused was seen to have thrown away at the scene

²¹ A fol. 22 of the records of the case.

²² A fol. 25 of the records of the case.

²³ A fol. 30 of the records of the case.

²⁴ A fol. 111 and 112 of the records of the case.

²⁵ *Vide* minute of sitting held on 5th December 2013 (a fol.98 of the records of the case).

²⁶ *Vide* minute of the sitting held on 18th December 2013 (a fol. 104 of the records of the case).

and the cannabis grass inside the remaining plastic bags found in the pouch, derived from the same batch.

Consequently, the Court is not satisfied that it has been proved beyond reasonable doubt that the black pouch and the cannabis grass and resin contained therein, belonged to the accused.

This notwithstanding, however, in view of the above considerations, the Court is satisfied that the Prosecution has succeeded in proving this first charge to the degree required at law, with the limitation above described, namely, that the charge has been proved in relation to the night between 25th and 26th August 2012 and not with reference to previous days.

b) Had in his possession (otherwise than in the course of transit through Malta of the territorial waters thereof) the resin obtained from the plant Cannabis, or any other preparation of which such resin formed the base, in terms of Section 8(a) of Chapter 101 of the Laws of Malta, which drug was found under circumstances denoting that it was not intended for his personal use.

As indicated above, it results from the evidence produced that the cannabis resin was contained in the black pouch found at the scene where the accused was arrested. In view of the above considerations, the Court is not satisfied that the Prosecution has proved this charge beyond reasonable doubt.

c) Committed these offences in, or within 100 metres of the perimeter of, a school, youth club or centre, or such other place where young people habitually meet in breach of Article 22(2) of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta.

The only evidence which results from the records of the proceedings in connection with this charge is that the

offence (in the first charge) was committed in Paceville, in an area situated downhill from Axis, also known as Axis' parking place. Although Paceville is clearly a place where young people habitually meet, it has certainly not been established to the degree required at criminal law that the actual location of the area where the said offence was committed was indeed within 100 metres of the perimeter of any of the locations or places mentioned in Article 22(2) of Chapter 101 of the Laws of Malta. The Court thus is not satisfied that this charge has been proved.

Considerations on Punishment

The Court notes that the criminal record of the accused, covering the period of his stay in Malta, has not been exhibited in this case.

Only the first charge brought against the accused has been proved according to law, namely that on the night between 25th and 26th August 2012, he was found in possession of a plastic bag (containing 2 small plastic bags) with cannabis grass in circumstances which indicate that this was not intended for his personal use.

It is normal for the Court in such circumstances to take into consideration the quantity of drugs, found in the possession of the accused.

In this case, however, the quantity of cannabis grass in the plastic bag, which the accused was seen throwing away, does not result clearly from the records of the proceedings. As indicated above, it resulted that the said plastic bag contained two further small plastic bags with cannabis grass. A further number of plastic bags was found in a black pouch. All drugs found at the scene where the accused was arrested were exhibited in the records of the proceedings as Doc. LB1²⁷. The report exhibited by court-appointed expert pharmacist Mario Mifsud indicates that the exhibit with which he was

²⁷ A fol. 12 of the records of the case.

provided on 12th November 2012 and on which he carried out his analysis, consisted of the following:-

“A sealed transparent plastic bag, with serial number A02899725, which contained a small fabric like pouch, two small empty plastic bags, a piece of white tissue paper containing two small pieces of brown substance and eleven small plastic bags containing crushed like plant material.”²⁸

There is no indication as to which of these eleven small plastic bags is in fact the plastic bag which the accused was seen to have thrown away at the scene. Indeed, as indicated above, due to the fact that all the plastic bags found at the scene were mixed during their analysis, no comparative analysis could be made between the plastic bag thrown away by the accused and the plastic bags in the black pouch. There is no indication either as to whether the cannabis grass contained in the two packets found inside the said plastic bag that was thrown away by the accused at the scene where he was arrested, was analysed separately (as contained in two separate bags) or mixed and taken as the content of one bag. This is also being noted in view of the fact that in his testimony PS 1174 Adrian Sciberras stated that there were more than 10 plastic bags in the black pouch²⁹. From the report exhibited by pharmacist Mario Mifsud, it results that in all there were 11 plastic bags. It is thus very likely that 10 plastic bags were found in the black pouch, whilst the remaining plastic bag is the one which the accused was seen to have thrown away. This would also mean that the content of the said plastic bag (two further small plastic bags containing cannabis grass) was mixed during the analysis. For this reason, the Court cannot arrive at the precise quantity contained in the latter bag. In terms of the mentioned report, the quantity of cannabis grass in each plastic bag ranged between 1.16 grams (the largest quantity) and 0.64 grams (the smallest quantity)³⁰. The Court will thus take into account the smallest quantity of

²⁸ A fol. 54 of the records of the case.

²⁹ A fol. 20 of the records of the case.

³⁰ A fol. 56 of the records of the case.

cannabis grass found, namely, 0.64 grams, for the purpose of considerations on punishment. It must also be stated here that although in the minute of the sitting held on 5th December 2012, Inspector Jesmond J. Borg indicated that the plastic bag, which the accused was seen throwing away, contained approximately 2.8 grams, this does not result anywhere from the records of the proceedings³¹.

According to the evidence of court-appointed pharmacist Mario Mifsud, a typical dose for one joint consists of about 200mg of grass³², which means that 640mg of grass would produce 3 joints. The mean purity of the crushed cannabis plants for the substance THC was circa 10.2%³³.

Conclusion

In view of the above considerations, the Court, after seeing Section 8(d), Parts IV and VI and Sections 22(1)(a) and 22(2)(b)(i) of Chapter 101 of the Laws of Malta, and Regulation 9 of GN 292/1939, finds the accused **guilty** of the first charge brought against him, but limitedly to the night between the 25th and 26th August 2012, and **not guilty** of the second and third charges brought against him and condemns him to seven (7) months effective imprisonment, from which term one must deduct any time prior to this judgement, during which the person sentenced has been kept in preventive custody in connection with the offence of which he has been found guilty by means of this judgement and to a fine of five hundred Euro (€500), which through the application of Section 14(2) of Chapter 9 of the Laws of Malta may be paid at a monthly and consecutive rate of one hundred Euro (€100). The first payment shall be made within a month from the date when the person sentenced has served the term of imprisonment meted out by this judgement and for this purpose, the Registrar shall verify this date with the prison authorities. However, should the person sentenced fail to pay the fine due, the said fine will

³¹ A fol. 98 of the records of the case.

³² A fol. 50 of the records of the case.

³³ A fol. 57 of the records of the case.

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become immediately due and shall be converted into a period of imprisonment at the rate of one day imprisonment for every thirty five Euro (€35) or part thereof that remain due.

The person sentenced is also condemned to pay **one third of the expenses** incurred in the appointment of experts in terms of Section 533(1) of Chapter 9 of the Laws of Malta within six (6) months from today. Should he fail to pay this amount, or should he fail to pay any balance of the said amount within the stipulated time limit, the amount or any remaining balance thereof shall become immediately due and payable, and shall be converted into a period of imprisonment at the rate of one day imprisonment for every eleven Euro and sixty five cents (€11.65) due.

Finally the Court orders that the drugs exhibited as Doc. LB1 are destroyed, once this judgement becomes final, under the supervision of the Registrar, who shall draw up a *proces-verbal* documenting the destruction procedure. The said *process-verbal* shall be inserted in the records of these proceedings not later than fifteen days from the said destruction.

< Sentenza Finali >

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