



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

**MAGISTRATE DR.
NEVILLE CAMILLERI**

Sitting of the 28 th January, 2014

Number. 58/2013

**The Police
(Inspector Johann J. Fenech)**

vs.

Steven Paul Durward

Number 58/2013

Today, 28th. January 2014

The Court,

Having seen the charge brought against **Steven Paul Durward**, aged forty-three (43) years, son of Kenneth and Mary neé Lightfoot, born in Germany on the 4th. June 1968, residing at Ortensia Court, Flat 1, Triq il-Hotba,

Qala, Gozo, and/or Flat 1, Blk. A, Rabat Road, Marsalforn, and holder of Identity Card Number 326407(L) charged with having during 2011 in these Islands:

1. had in his possession the drug (*cocaine*) 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 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 drug, and failed to prove that the mentioned drug 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.

The Court was also 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 *proces-verbal* of the inquiry, within such period and in such amount as shall be determined in the judgment or order.

Having seen all the documents forming part of the proceedings.

Having seen the order of the Attorney General (Doc. "C").

Having heard the accused plead guilty to the charge 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 will be taking into consideration various factors, including: the early guilty plea filed by the accused, his conviction sheet (Doc. "B"), the nature of the charge brought against him and the fact that the Prosecuting Officer declared that the accused should benefit from Article 29 of Chapter 101 of the Laws of Malta.

Consequently, the Court, after having seen Sections 4, 6, 29 and the First Schedule of Chapter 101 of the Laws of Malta, and Regulation 8 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) finds the accused guilty as charged and, in view of the above-mentioned 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 a period of one (1) year from today.

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

The Court rejects the Prosecution's request where it asked the Court to order the accused to pay the expenses related to the appointment of experts or referees since no such experts or referees were appointed.

< Final Judgement >

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