



MALTA

COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR.
MARSEANN FARRUGIA

Sitting of the 3rd March, 2014

Number. 221/2014

The Police

(Inspector Mario Haber)

vs.

Artha Junior Williams

The Court,

Having seen the charges brought against Artha Junior Williams, 62 years, national of United States of America, born on the 1st December 1951 in Louisiana, son of late Sonny and late Otha, residing on M.V. Nautical Tide, holder of American Passport 488925468.

Informal Copy of Judgement

Charged with having on the 2nd March 2014, and in the and in the previous days in Malta, that is, at the Malta International Airport had in his possession, or under his control, or carried outside any premises or appurtenances a firearm or ammunition listed in Schedule II, that is a Raven pistol, caliber 0.25 with serial number 123106, without a license under the Arms Act (Ch 480, Sec 5 (1) of the Laws of Malta).

And charge him also with having on same date, time and circumstances without a license or permit from the Commissioner of Police, imported or brought into, or exported from Malta any firearm or ammunition that is the already mentioned fire-arm (Ch 480, Sec 5 (2) of the Laws of Malta.

After having heard the accused plead guilty to the charges at an early stage of the proceedings, which guilty plea 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 guilty plea, and in particular that it leads to a maximum punishment of five years imprisonment, and allowed him sufficient time to consult his legal counsel to re-consider his reply, and to change it;

After having heard the evidence on the issue of punishment, namely the evidence of Inspector Mario Haber, Captain Ron Riley and Peter Sullivan.

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 charges laid against him.

As regards the punishment, the Court took into consideration the fact that the accused admitted to the charges at a very early stage of the proceedings and the fact that he co-operated with the police.

For the purpose of punishment, the first charge is absorbed in the second charge, as it served as a means to an end in terms of Article 17(h) of the Criminal Code.

The Court also took into consideration that from the evidence brought forward the accused did not have an intention to use the pistol unlawfully, because the pistol was not found in his hand luggage, but in his luggage, which he had checked in at the Malta International Airport, and that luggage was to be held in the hold of the aeroplane, during the flight. Moreover, the pistol was not loaded, although five (5) bullets and a magazine were also found in the luggage.

The Court took also into consideration the evidence of Captain Ron Riley and Peter Sullivan, who have known the accused who is 62 years old, for at least the past twelve (12) years as a cook on board a ship, and have sworn that they have known him to be of good conduct and exemplary behaviour.

The Court took into consideration the minute made by Inspector Haber for the Prosecution and Dr. Giannella DeMarco for the defence, where they stated that they both agreed *“that this case falls under the proviso of Article 51(2) and that an effective prison sentence is not desirable in this case.”*

Informal Copy of Judgement

The first *proviso* Article 51(2) of the Arms Act provides that: *“Provided that where the conviction relates to possession of arms proper or ammunition within premises, or where the infringement is considered minor by the Court, and having regard to the quantity or quality of the firearms or ammunition the Court is satisfied that they were not so kept for sale or for some other kind of deal or in order to be used unlawfully, the offender shall be*

liable to a fine (multa) of not less than six hundred and ninety-eight euro and eighty-one cents (698.81) or to imprisonment for a term not exceeding three months or to both such fine and imprisonment:”

In view of the considerations mentioned above, the Court agrees with the submission of the Prosecution and the Defence that the first *proviso* to Article 51(2) of the Arms Act is applicable in this case.

For these reasons, the Court, after seeing Articles 5(1) and (2), 51(2) and 51(3) of Chapter 480 and Article 17(h) of Chapter 9 of the Laws of Malta, finds the accused guilty as charged, and condemns him to pay a fine of eight hundred Euro (€800), which fine must be paid immediately. If the person sentenced fails to pay the amount due as a fine as stated, the fine will be converted into a period of imprisonment at the rate of one day imprisonment for every thirty-five Euro (€35.00) due.

The Court orders the forfeiture of the arm and ammunition which are the subject of these proceedings, namely, a Raven pistol, calibre 0.25 with serial number 123106, its cartridge and five (5) bullets.

The Court also orders that a copy of this judgement together with the records of this case be sent to the Attorney General within the time-limit stipulated by law.

< Final Judgement >

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