



MALTA

QORTI TAL-MAGISTRATI (MALTA)
BHALA QORTI TA' GUDIKATURA KRIMINALI
MAGISTRAT DR.
IAN FARRUGIA

Seduta ta' l-1 ta' Gunju, 2014

Numru. 259/2014

The Police

(Inspector Gabriel Micallef)

Vs

Valentin Charlet

The Court;

Having seen the charge brought against Valentin Charlet, 19 years, son of Manuel and Laurence nee` Sierro, born at Geneva on the 12th May, 1995, residing at 60, Triq Il-Kulunell Manche`, St. Julians and holder of Swiss Identity Card bearing number C7191954, for having on the 31st May, 2014 and the previous days, on the Maltese islands;

1. Had in his possession the drugs (cocaine) specified in the First Schedule of the Dangerous Drug 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 drugs, and failed to prove that the mentioned drugs 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;
2. For being a recidivist after being sentenced for an offence by a judgement issued by the Court of Magistrates (Malta) presided by Magt. Dr C. Galea LLD on the 13th May 2014, which judgement has become absolute.

Having seen the Order issued by the Attorney General, dated 31st May 2014 in terms of Article 22(2) of Chapter 101 of the Laws of Malta, wherein the Attorney General ordered that the accused be brought before this Court as a Court of Criminal Judicature;

Having seen all the documents exhibited in the acts of these proceedings;

Kopja Informali ta' Sentenza

Having heard accused plead guilty to the charge brought against him during today's arraignment and his insistence on such guilty plea after being given time according to law to reconsider;

Having heard prosecuting officer on oath;

Having seen the minutes of today's hearing;

Having heard submissions by the prosecution;

Considers;

That in view of the accused's guilty plea to the charge proffered against him, and since there is no reason emanating from these proceedings why this Court should not accept such plea, it is the duty of this Court to proceed with judgement and declare the accused guilty as charged.

In the context of punishment or sanction to be meted out to the accused, the Court is taking into consideration the following resulting factors, mainly (1) that the accused cooperated with the police and immediately admitted to the possession of the drug during his interrogation, (2) that the accused pleaded guilty to the charge at the earliest opportunity in these proceedings and (3) that the accused was found guilty of an identical charge by a judgement of the 13th of May 2014 - this renders accused as a recidivist.

In view of the above, it is this Court's opinion that, having regard to all the circumstances of the case, the nature of the offence and the character of the accused, it is expedient to inflict a pecuniary punishment.

Therefore, The Court, having seen Sections 4 and 6 and Article 22 of Chapter 101 of the Laws of Malta, and Articles 49 and 50 of Chapter 9 of the Laws of Malta, finds and declares offender Valentin Charlet guilty of the charge brought against him and condemns him to a fine multa of five hundred Euros (€500).

< Sentenza Finali >

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