

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

**Chapter 31 of the Laws of Malta;
Drugs (Control) Regulations, LN 22 of 1985**

**Magistrate
Dr Consuelo Scerri Herrera LL.D. DIP. MATR. (Can)**

Drugs No. 103/16

**The Police
(Inspector Maurice Curmi)**

vs

LIAM ANTHONY SMITH

Today, 5th April 2016

The Court,

Having seen that the accused **LIAM ANTHONY SMITH**, of 18 years, son of Graig and Jennifer nee' Azad, born in the UK on the 23rd November 1997, residing at 11, Timperly Road, Ashton-Under-Lyne, Manchester, OL68SA and holder of a British passport number 522500089 was arraigned before her and charged with having on the 4th April 2016 at about ten o'clock at night (22:00hrs) in St Paul's Bay, had in his possession the psychotropic and restricted drug (ecstasy) without a special authorisation in writing by the Superintendent of Public Health, in breach of the provisions of the Medical and Kindred Professions Ordinance and the Drugs (Control) Regulations.

The Court was also requested, in pronouncing judgement 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 in terms of Articles 532A, 532B and 533 of Chapter 9 of the Laws of Malta.

Having seen all the documents exhibited in the acts of these proceedings by the Prosecution in particular the consent of the Attorney General for the case to be dealt with summarily, a true copy of the British passport of the accused, the statement of the accused, the declaration of refusal to legal assistance and the material exhibit of 4.6 grams of MDMA (ecstasy drugs).

Having heard the accused declare that he does not understand the Maltese language though he understands the English language and thus the Court ordered that the proceedings are to be held in the English language in terms of Section 3 of the Judicial Proceedings Act.

Having heard the accused declare that he does not need legal assistance and that he understood the nature of the charges brought forward against him.

Having heard the accused plead guilty to the charges brought forward against him.

The Court explained to the accused the consequences of his plea of guilt and after having given the accused sufficient time to reconsider his guilty plea and saw that the same accused insisted on registering in the acts of these proceedings his plea of guilt, had no alternative but to register such plea.

In the light of the above plea of guilt which guilty plea was made voluntarily, expressly and unconditionally, the Court is satisfied that the accused is to be found guilty of the charge brought forward against him.

The Court took note that the exhibited drugs in question was de minimis in quantity.

The Court took note of the fact that the accused is a first time offender and his guilty plea registered in the first opportunity given to him. However, the Court felt that it should give the message to society that it will not tolerate youngsters to attend parties with the possession of drugs.

Thus the Court, having seen the law, in particular Chapter 31 of the Laws of Malta Drugs (Control) Regulations and LN 22 of 1985, decides to find the accused LIAM ANTHONY SMITH guilty of the charge brought forward against him by the prosecution and condemns him to the payment of a fine of five hundred euro (€500).

The Court also orders the confiscation of the drug exhibited in Court and orders its destruction. Hence, the Court orders the Registrar of the Criminal Courts to effect such destruction and the Registrar is to compile a proces verbal documenting the destruction procedure, which document is to be inserted in the acts of these proceedings not later than fifteen days from today and this in line with the judgement given by the Court of Criminal Appeal on the 22nd December 2006 in the case ‘Il-Pulizija vs Anthony Joseph Portelli’.

The Court declares further that it shall not take cognisance of the request of the Prosecution made in terms of Sections 532A, 632B and 533 of

Chapter 9 of the Laws of Malta since it does not transpire from the acts of these proceedings that there were any experts appointed in this case.

**Dr Consuelo Scerri Herrera LL.D.
Magistrate**