

**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. 94/16**

**The Police  
(Inspector Gabriel Micallef)**

**vs**

**RYAN JAMES FISKEN**

**Today, 3<sup>rd</sup> April 2016**

**The Court,**

Having seen that the accused **RYAN JAMES FISKEN**, of 20 years, son of Keith and Angela nee' Cullen, born in the UK on 20<sup>th</sup> April 1995, residing at Qawra Palace Hotel room number 757 Bugibba, and holder of a British passport bearing the number 504864256 was arraigned before her and charged with having on the 2<sup>nd</sup> April 2016 at Rabat, Malta:

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.

Having seen all the documents exhibited in the acts of these proceedings by the Prosecution in particular the Fiat of the Attorney General issued in terms of Chapter 31 of the Laws of Malta, the statement of the accused, the declaration regarding refusal of legal advice prior interrogation and a true copy of British passport issued on behalf of the accused.

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 request for assistance of a legal aid lawyer, the Court appointed Dr Patrick Valentino as Legal Aid Lawyer to assist the accused.

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 in the presence of his legal aid lawyer 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 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 laws, in particular Chapter 31 of the Laws of Malta and Drugs (Control) Regulations, LN 22 of 1985, decides to find the accused RYAN JAMES FISKEN 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 22<sup>nd</sup> December 2006 in the case ‘Il-Pulizija vs Anthony Joseph Portelli’.**

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