



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

MAGISTRATE NATASHA GALEA SCIBERRAS B.A., LL.D.

Case Number: 169/2016

Today, 4th August 2016

**The Police
(Inspectors Gabriel Micallef and
Frank Anthony Tabone)**

vs

**Mubarak Suleman Mohumed
(ID 102482(A))**

The Court,

After having seen the charges brought against the accused Mubarak Suleman Mohumed, 21 years of age, son of Shucayb and Samsam nee` Abdi, born in Somalia on the 1st July 1995 and residing at Valley Court, Flat 2, Valley Road, Msida, holder of identity card bearing number 102482(A) and holder of personal number 12Z-040;

Charged with having on 16th July 2016 and in the previous days before this date in these Islands:

1. Produced, sold or otherwise dealt in the resin obtained from the plant cannabis, or any preparation of which such resin formed the base, in terms of Section 8(b) of Chapter 101 of the Laws of Malta;

2. Committed these offences in, or within 100 metres of the perimeter of a school, youth club or centre, or such other place where young people habitually meet in breach of Article 22(2) of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta;

The Court was requested to apply Section 533(1) of Chapter 9 of the Laws of Malta as regards the expenses incurred by court appointed experts.

Having seen the records of the case, including the order of the Attorney General in virtue of subsection two (2) of Section 22 of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta), for this case to heard by this Court as a Court of Criminal Judicature;

Having heard the accused plead guilty to the charges brought against him during the sitting held on 29th July 2016, which guilty plea he confirmed even after the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him of the legal consequences thereof and allowed him sufficient time to reconsider his reply and retract it;

Having heard the parties' oral submissions regarding the punishment to be inflicted.

Considered that:

In view of the guilty plea filed by the accused as well as the evidence brought by the prosecution, the Court cannot but find him guilty of the charges brought against him.

For the purpose of the punishment to be inflicted, the Court took into consideration the early guilty plea filed by the accused and his clean criminal record.

The Court also took into consideration the serious nature of the charges brought against the accused and that although the charges refer to 16th July 2016 and the previous days – thus not a long period of time - yet from the deposition of PC 760 Christopher Saliba and the report exhibited by him during such deposition, it is evident that during this limited period of time, the accused had dealt in drugs on a number of occasions and that he formed part of a group of persons, who sold drugs in the same area.

Conclusion

For these reasons, the Court after having seen Sections 8(b), 22(1)(a), 22(2)(b)(i) and the second proviso to Section 22(2) of Chapter 101 of the Laws of Malta, Regulations 4 and 9 of Subsidiary Legislation 101.02 and Section 31 of Chapter 9 of the Laws of Malta, finds the accused guilty of the charges brought against him and condemns him to a term of **nine (9) months effective imprisonment** – from which term one must deduct the period of time, prior to this judgement, during which the person sentenced has been kept in preventive custody in connection with the offences in respect of which he is being found guilty by means of this judgement – and **a fine (multa) of seven hundred Euro (€700)**.

Since no experts were appointed in the course of these proceedings, the Court is not taking any further note of the prosecution's request to condemn the person sentenced in terms of Section 533 of Chapter 9 of the Laws of Malta.

Natasha Galea Sciberras
Magistrate