



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

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

Case Number: 111/2015

Today, 30th September 2016

**The Police
(Inspector Malcolm Bondin)**

vs

**Rodney Andrew Molt
(American Passport Number 820426800)**

The Court,

After having seen the charges brought against the accused, Rodney Andrew Molt, 28 years of age, son of Rodney and Laura nee` Bafford, born in Huntsville, United States of America on 24th May 1986, residing at CCF, Paola, holder of USA Passport number 820426800;

Accused of having on these Islands, on 30th September 2013 and in the previous months before this date:

- a. Imported or caused to be imported the psychotropic and restricted drug without due authorisation in breach of the Medical and Kindred Professions Ordinance, Chapter 31 of the Laws of Malta and the Regulations for the Control of Medicines, LN 22/1985 as amended;

- b. Had in his possession the psychotropic and restricted drug (Mephedrone) without a special authorisation in writing by the Superintendent of Public Health in breach of the provisions of the Medical and Kindred Professions Ordinance, Chapter 31 of the Laws of Malta and the Drugs (Control) Regulations, Legal Notice 22 of 1985 as amended.

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

Having heard the evidence and having seen the records of the case, including the order of the Attorney General in virtue of subsection two (2) of Section 120A of the Medical and Kindred Professions Ordinance (Chapter 31 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 15th December 2015, which plea was confirmed by the 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 such plea and allowed him sufficient time to reconsider his reply and retract it;

Having heard submissions about the punishment to be inflicted.

Considered that:

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

As regards the punishment to be inflicted, the Court took into consideration the early guilty plea filed by the accused. The Court also took into consideration the criminal record of the accused, which consists of a conviction in March 2014 for drug-related offences, committed in March 2011, including the importation of mephedrone, in respect of which offences the accused was sentenced to six years imprisonment and a fine (multa) of €15,000.

Furthermore, the Court also took into account that the Prosecution declared in relation to the first charge brought against the accused that the importation of the illicit substance was for the accused's personal use.¹ In this regard, the Court notes that in terms of the report drawn up by expert Godwin Sammut in the course of the

¹ *Vide* minute of the sitting held on 15th December 2015.

inquiry relating to this case², the white substance found in the package which the accused sought to import into Malta contained the substance mephedrone and weighed 5.03 grams. Furthermore from the records of the inquiry held in connection with this case and from the statement released by the accused, it also results that the accused was found in possession of a plastic bag containing a white substance, amongst various other items. According to a second report drawn by expert Godwin Sammut³, the said white substance contained mephedrone and weighed 1.66 grams. Furthermore, in terms of the said report, there were no illicit substances on the weighing scales found on a kitchen cupboard in the accused's residence.

In his statement of 30th September 2013⁴, the accused stated that one such packet as found in the search in his residence lasts him about a month, that he uses the substance every two or three days, that he had ordered four packages during the preceding three months, although one of these had not arrived and that each time he bought five grams, for which he paid €70, including postage costs.

In view of the above, the Court considers that there is no evidence to the degree required by law, which proves that the accused's importation of the illicit substance forming the merits of this case, was other than for personal use.

For the purpose of the punishment to be inflicted, the Court is applying the provisions of Section 17(h) of Chapter 9 of the Laws of Malta.

Conclusion

For these reasons, the Court after having seen Sections 40A, 120A(1)(a), 120A(1B), the proviso to the said section and 120A(2)(b)(ii) of Chapter 31 of the Laws of Malta, Regulation 3(1) of Legal Notice 22 of 1985 and Section 17(h) of Chapter 9 of the Laws of Malta, finds the accused guilty of the charges brought against him and condemns him to five (5) months imprisonment, which by application of Section 28A of Chapter 9 of the Laws of Malta is being suspended for a period of eighteen (18) months from today.

The Court explained to the person sentenced in clear and simple language the meaning of this judgement and the legal consequences should he commit any other

² The said report is exhibited a fol. 39 *et seq* of the records of this case.

³ The said report is exhibited a fol. 71 *et seq* of the records of this case.

⁴ A fol. 21 *et seq* of the records of the case.

offence punishable with imprisonment within the operative period of this suspended sentence.

In terms of Section 533 of Chapter 9 of the Laws of Malta, the Court condemns Rodney Andrew Molt to pay the expenses in relation to the experts appointed during the inquiry, namely the expenses in connection with the reports drawn up by expert Godwin Sammut amounting to three hundred, fifty five Euro and seventy one cents (€355.71), the expenses in connection with the report drawn up by PS 1184 Patrick Grech amounting to twenty Euro and ninety five cents (€20.95) and the report drawn up by PS 122 Arthur Borg amounting to forty four Euro and eighty cents (€44.80) and the expenses in connection with the report drawn up by Dr. Martin Bajada amounting to eight hundred and thirteen Euro and fourteen cents (€813.14). The said expenses amount in total to the sum of one thousand, two hundred and thirty four Euro and sixty cents (€1,234.60).

The Court orders the destruction of the drugs exhibited once this judgement becomes final, under the supervision of the Registrar, who shall draw up a *proces-verbal* documenting the destruction procedure. The said *proces-verbal* shall be inserted in the records of these proceedings not later than fifteen days from the said destruction.

Natasha Galea Sciberras
Magistrate