

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

**Section 22 (2) of Chapter 101;
Chapter 31 of the Laws of Malta;
Drugs (Control) Regulations, LN 22 of 1985 as amended**

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

Drugs No. 210/16

**The Police
(Inspector Kevin Pulis)**

vs

MUSTAFA ASEYR AHMED

Today, 26th November 2016

The Court,

Having seen that the accused **MUSTAFA ASEYR AHMED** holder of Maltese Residence Permit number 129203A was arraigned before her and charged with having on the 21st August 2016 and the days before this date on the Maltese Islands;

1. Supplied or distributed, or offered to supply or distribute dangerous drugs being a drug restricted and controlled under the provisions of the Kindred and Medical Professions Ordinance to person/s who are not authorised person/s for the use of other person/s without being fully

authorised in breach of the Medical and Kindred Professions Ordinance and the Drugs (Control) Regulations, Legal Notice 22 of 1985 as amended.

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

Having seen all the documents exhibited in the acts of these proceedings by the Prosecution in particular a copy of the passport of the accused, a conviction sheet, the consent of the Attorney General for the case to be dealt with summarily, a declaration of refusal to legal aid and the statement 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 Josette Sultana 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 charges brought forward against him.

The Court noted that the Prosecution exhibited the sum of one hundred and fifty euro (€150).

The Court took note of the fact that the accused was trafficking drugs in the vicinity of clubs where youths meet and consequently considers the gravity of the case.

It also took note of the fact that the amount of drugs involved was de minimis and consequently would be awarding punishment towards its minimum.

Thus the Court, having seen the law, in particular Section 22(2) of Chapter 101, Chapter 31 of the Laws of Malta, Drugs (Control) Regulations and LN 22 of 1985 as amended, decides to find the accused MUSTAFA ASEYR AHMED guilty of the charges brought forward against him by the prosecution and condemns him to one year effective imprisonment and to the payment of a fine of two hundred euro (€200).

The Court also orders the confiscation of the money exhibited in Court in favour of the Government of Malta.

The Court declares further that it shall not take cognisance of the request of the Prosecution made in terms of Section 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**