



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

Magistrate Dr Monica Vella LL.D., M.Jur.

**The Police
(Senior Inspector Trevor
Micallef)**

vs

Daud Shiehk Ahmed

Today, 24th June 2018

The Court;

Having seen the accusations brought against:

Daud Shiehk Ahmed, holder of identity card no. 79818(A);

Charged with having, on the 24th June 2018, at around one in the morning, (01:00a.m), in these islands, in St. Rita Steps, St. Julian's:

1. in his possession (otherwise than in the course of transit through Malta of the territorial waters thereof) the whole or any portion of the plant Cannabis in terms of Section 8 (d) of the Chapter 101 of the Laws of Malta;

2. in his possession the drugs (*cocaine*) specified in the First Schedule of the Dangerous Drug Ordinance, Chapter 101 of the Laws of Malta, when he was not in possession of an import or an export authorisation issued by the Chief Government Medical Officer in pursuance of the provisions of paragraphs 4 and 6 of the Ordinance, and when he was not licensed or otherwise authorised to manufacture or supply the mentioned drugs, and was not otherwise licensed by the President of Malta or authorised by the Internal Control of Dangerous Drugs Regulations (G.N.292/1939) to be in possession of the mentioned drugs, and failed to prove that the mentioned drugs was supplied to him for his personal use, according to a medical prescription as provided in the said regulations, and this in breach of the 1939 Regulations, of the Internal Control of Dangerous Drugs (G.N.292/1939) as subsequently amended by the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta

Whilst exhibiting the accused conviction sheet, a copy of his document and the Drug Order signed by the Attorney General, the Prosecution requests that this case is investigated according to law

Having seen all documents exhibited by the Prosecution;

Having seen the records of the case;

Having heard the submissions made by the Prosecution and by the Defence;

Having duly considered all the records of the case and all submissions made;

Having explained to the accused the charges brought against him;

Having heard the accused plead guilty to said charges in today's sitting, and this in the presence of Defence Counsel Dr. Mark Anthony Mifsud Cutajar;

Having warned the accused of the legal consequences of such guilty plea and having given the accused further time to reconsider his guilty plea and having heard the accused reconfirm his guilty plea during his arraignment before this Court and thus said guilty plea was registered in the acts of today's sitting, the 24th June 2018;

Considers:

That thus upon such guilty plea the Court can only find the accused guilty as charged;

That in pronouncing its judgement the Court is hereby taking into consideration the fact that the accused is a first time offender here in Malta, that the accused registered an early guilty plea, that the accused collaborated with the Police and also the nature and gravity of the accusations with which he is charged;

Therefore, The Court, after having seen Article 8(d) of Chapter 101 of the Laws of Malta hereby finds the accused guilty as charged and condemns the accused to six months imprisonment which, upon the application of Section 28A of Chapter 9 of the Laws of Malta, are being suspended for four years.

Moreover, The Court, in terms of Article 22 (2) (b) of Chapter 101 of the Laws of Malta, orders the destruction of the drugs seized by the Prosecution from the accused and appoints the Registrar of Court to execute such order, and this at the expense of the accused.

The Court explained to the accused in simple and clear language his obligations arising out of this judgement.

(ft) Magistrate Dr. Monica Vella LL.D, M. Jur.

(ft) Angelo Buttigieg
Deputy Registrar