

In the Court of Magistrates (Malta)
as a Court of Court of Criminal Judicature Magistrate
Dr Nadine Lia B.A., LL.M(Kent); LL.D (melit)

The Police

(Inspector Kevin Pulis)

vs

Leopoldo Antwi

Leopoldo Antwi 21 years, son of Mary Antwi, born in Castiglioni Delle Stiviere (MN) on the 25/01/1998, without fixed address, and holder of Italian Identity Card bearing number CA25584DD

And charge him with having;

On the 19th October 2019 and/or the previous weeks on the Maltese islands;

1. Produced, sold or otherwise dealt with the whole or any portion of the plant Cannabis in terms of Section 8 (e) of the Chapter 101 of the Laws of Malta
2. Had 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, **which drug was found under circumstances denoting that it was not intended for his personal use;**

The Court is 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 that on the 20th October 2019 the Prosecuting Officer read and confirmed the charges on oath;

Having seen that during the examination of the accused in terms of Article 390 and 392 of the Criminal Code that the accused, in reply to the question posed in terms of Article 392(1)(b) of the Criminal Code by the Court declared that he was guilty;

Having examined all the documents forming part of the proceedings;

Having seen that in view of this declaration of accused Leopoldo Antwi and the Court having warned the said accused in the most solemn manner about the consequences arising out of his guilty plea, the Court granted him sufficient time in order to consult his legal counsel and for him to consider whether he would like to confirm or else retract his guilty plea. The accused, after consulting with his legal counsel, reiterated that he was guilty as charged.

The Court, after having seen Article 392A(1)(2) of the Criminal Code, in the light of the said declaration by accused : - (a)it became ex lege competent to proceed with the determination of the merits of this case and it consequently converted itself into a court of criminal judicature; (b)in view of this same declaration by accused Leopold Antwi, duly reiterated, the Court had no option but to find the accused guilty as charged.

Having seen the records of the proceedings as well as the criminal record sheet of the accused;

Having heard the final oral submissions of the Prosecuting Officer and the accused, and in particular that in the case of the accused, the clean criminal record sheet, the fact that he was a first time offender, that he cooperated fully with the Police, as well as his admission of guilt at a relatively early stage of proceedings and that the parties agreed that this Court could consider imposing a sentence of imprisonment at its minimum.

Decide

Consequently, this Court, after having seen Articles 8 (d) and 8(e) of Chapter 101 of the Laws of Malta finds the accused Leopoldo Anwti upon his unconditional guilty plea, guilty as charged and condemns him to a term of imprisonment for six (6) months and a fine multa of five hundred euros (€500) to be payable within three (3) years from the date of judgment.

The Court orders the immediate destruction of the drugs exhibited in the case as Doc KP10 in terms of article 23 of Chapter 9 of the Laws of Malta.

The Court order the confiscation of the money elevated in the case as Doc KP 9 to be confiscated in favour of the Government of Malta in terms of article 23B of Chapter 9 of the Laws of Malta

Delivered today the 20th October 2019 at the Courts of Justice in Valletta, Malta.

Dr. Nadine Lia

Magistrate

Lorianne Spiteri

Deputy Registrar