



**COURT OF MAGISTRATES (GOZO)**  
**AS A COURT OF CRIMINAL JUDICATURE**  
**Magistrate Dr Monica Vella LL.D., M.Jur.**

**Case no: 42/2018**

**Police (Inspector Anthony Scerri)**

**vs**

**Neil Andrew Bebbington**

**Today, 09<sup>th</sup> of July 2020;**

The Court;

Having seen that the Prosecution arraigned under arrest:

**“Neil Andrew Bebbington, holder of British passport number 539062385;**

And accused him that on the 13th December 2018 and during the months before on these Islands:

1. Had 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 **which drug was found under circumstances denoting that it was not intended for his personal use;**

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;**
3. Cultivated the plant Cannabis in terms of Section 8 (c) of the Chapter 101 of the Laws of Malta;

The Court was also requested to order the forfeiture of the *corpus delicti*, of the instruments used or intended to be used in the commission of any crime, and of anything obtained by such crime, is a consequence of the punishment for the crime as established by law;

The Court was also requested that in pronouncing judgment or in any subsequent order, sentence the person convicted or the persons convicted, jointly or severally, to the payment, wholly or in part, to the registrar, of the costs incurred in connection with the employment in the proceedings of any expert or referee.

Having seen the consent of the Attorney General for this case to proceed summarily;

Having heard the witnesses brought before it;

Having seen all documents exhibited by the Prosecution;

Having seen all the records of the case;

Having seen the guilty plea registered by the accused in the sitting of the 15<sup>th</sup> December 2018;

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 seen that this Court has assumed the functions of a Drugs Court as per Article 8 (1) of Chapter 537 of the Laws of Malta;

Having seen that the case was put off for judgement for today;

Having heard the accused confirm his guilty plea in today's sitting;

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 in today's sitting and thus said confirmation of guilty plea was registered in the acts of today's sitting, the 09<sup>th</sup> July 2020;

Considers:

That in view of the guilty plea registered by the accused, the Court finds that the Prosecution has proved its case beyond reasonable doubt and that upon such guilty plea therefore, the Court finds the accused guilty as charged.

That the accused collaborated with the Police, that the accused registered an early guilty plea as from the first hearing of the case, that the accused has a clean conduct sheet, that the accused applied to attend a rehabilitation programme from Drug Abuse, that from the report of the Supervision Officer a folio 90 – 99 and 105 – 109 of the proceedings, it results that the accused is now leading a life free from abuse of substances and is doing his utmost to keep clean from any substance abuse.

**Decide:**

The court, therefore, after having seen G.N. 292/1939 as amended by Chapter 101 of the Laws of Malta, Article 8 (c) and 8 (d) of Chapter 101 of the Laws of Malta, Article 8 of Chapter 537 of the Laws of Malta, puts the accused under a Probation Order in terms of Article 7 of Chapter 446 of the Laws of Malta for a period of three (3) years.

The Court is also ordering the forfeiture of the *corpus delicti*, of the instruments used or intended to be used in the commission of any crime, and of anything obtained by such crime.

The Court is also condemning the accused to pay to the registrar all the costs incurred in connection with the employment in the proceedings of any expert or referee.

The Court explained to the accused in simple and clear language his obligations arising out of this judgement and the consequences should he not abide by the said judgement.

**(sgd) Dr. Monica Vella LL.D., M. Jur.**

**Magistrate**

**(sgd) Diane Farrugia**

**Deputy Registrar**

**True Copy**

**For the Registrar**