



**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE
DR. GABRIELLA VELLA B.A., LL.D.**

**The Police
(Inspector Frankie Sammut)**

Vs

Lloyd Askew Whiteoak

Today, 20th September 2021

The Court,

After considering the charges brought against Lloyd Askew-Whiteoak, a British National, nineteen (19) years of age, son of Robbia and Emily neè Whiteoak, born in Burnley, UK, on the 24th June 2002, resident at 4, St. Stephens Crescent, Burnley, UK, and holder of British Passport No. 557468060, of having on the 15th September 2021 at around 2:00p.m. at the Malta International Airport:

1. Imported or caused to be imported the psychotropic and restricted drug (Ketamine)(Mephedrone), 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, Legal Notice 22/1985 as amended;
2. On the same date, place and circumstances had in his possession the psychotropic and restricted drug (Ketamine) (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 22/1985 as amended;

After considering the request by the Prosecution for the Court, in case of guilt, apart from inflicting the punishment as prescribed by Law, order the confiscation of all objects exhibited;

After considering the further request by the Prosecution for the Court, in case of guilt, to condemn the accused to pay expenses incurred for the appointment of Experts, in terms of Section 533 of Chapter 9 of the Laws of Malta;

After considering the documents submitted by the Prosecution, namely: (i) the Order by the Attorney General in terms of Section 120A(2) of Chapter 31 of the Laws of Malta, in the English Language and in the Maltese Language marked as Doc. "A" and Doc. "A1"; (ii) a photocopy of the passport of the accused marked as Doc. "B"; (iii) the Conviction Sheet of the accused marked as Doc. "C"; (iv) a Police Incident Report marked as Doc. "D"; (v) a statement released by the accused marked as Doc. "E"; (vi) a Report drawn up by Inspector Frankie Sammut marked as Doc. "F";

After having heard the accused declare that he is guilty of the charges brought against him, which guilty plea was confirmed by him even after the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him in the most solemn manner of the legal consequences of his guilty plea after having given him sufficient time within which to reconsider and withdraw his guilty plea;

After having heard submissions regarding punishment;

Considers:

The accused is being charged of having on the 15th September 2021 at around 2:00p.m. at the Malta International Airport: (1) imported or caused to be imported the psychotropic and restricted drug (Ketamine)(Mephedrone), 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, Legal Notice 22/1985 as amended; (2) on the same date, place and circumstances had in his possession the psychotropic and restricted drug (Ketamine) (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 22/1985 as amended.

The accused declared that he is guilty of the charges brought against him.

In view of this guilty plea, the Court finds the accused guilty of the charges brought against him.

For the purposes of punishment the Court took into account the fact that the accused submitted a guilty plea at an early stage of the proceedings and that he has a clean Conviction Sheet.

Therefore, after considering Sections 40A, 120A(1)(a),(2)(b)(ii) of Chapter 31 of the Laws of Malta and Regulations 3 and 5 of Subsidiary Legislation 31.18, reiterates it is finding the accused, upon his own admission, guilty of the charges brought against him and condemns him to the payment of a fine (*multa*) of five hundred Euro (€500).

In terms of the second proviso of Section 14(1) of Chapter 9 of the Laws of Malta, the Court is informing the accused in a manner in which he understands what is being explained to him, that failure to pay the fine (*multa*) of five hundred Euro (€500) here being imposed, the said fine shall be converted forthwith into an imprisonment term at the rate of one day for every thirty-five euro (€35) or part thereof and the

police shall, by virtue of the authority conferred upon them by the judgement and by said proviso, arrest the accused and shall escort him to the place designated according to law for the confinement of persons sentenced to a fine convertible into imprisonment, according to law.

The Court orders the forfeiture in favour of the Government of Malta and subsequent destruction of the substances which from testimony given by the Forensic Expert Gilbert Mercieca are exhibited in the records of the inquiry held in connection with these proceedings.

Furthermore, in terms of Section 533 of Chapter 9 of the Laws of Malta, the Court is condemning the accused to pay the Registrar of the Criminal Courts and Tribunals the sum of €871.27, representing expenses incurred in connection with the appointment of Experts in the Magisterial Inquiry pertinent to this case.

MAGISTRATE

DEPUTY REGISTRAR