



**In the Court of Magistrates (Gozo)
As a Court of Criminal Judicature**

Magistrate Dottor Brigitte Sultana LL.D. LL.M(Cardiff) Adv. Trib. Eccl. Melit

Sitting of today, Tuesday, the 10th of October 2023

**The Police
(Inspector Bernard Charles Spiteri)**

Vs

Joey Hendrikus Joza Johanna Deckers

The Court;

Noting the charges brought against the accused Joey Hendrikus Joza Johanna Dekers holder of Dutch passport number NVL6HP4J8 or Maltese Identity Card number 3036033A, aged 28 years, son of Alphonse and Nicole nee Degroot, born in Kerkrade, Netherlands on the 14th June, 1994, wherein he is being charged that on the 8th October 2023, at around 22:30 and earlier on, while being at Gallerija, Numru 3, Triq is-Srug, Xaghra and Malsalforn Road, Zebbug, Gozo and / or in these Islands;

- 1) Cultivated the plant *Cannabis* in terms of Section 8 (c) of the Chapter 101 of the Laws of Malta.
- 2) And also with having on the same date, time, place and circumstances 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.
- 3) **And also with having on the same date, time, place and circumstances** failed to observe the conditions imposed by the Court of Magistrates (Gozo) presided by Magistrate Dr. Brigitte Sultana LL.D. on the 16th July 2022 and as

subsequently as amended by Judge Hon. Dr. Aaron Bugeja M.A. LL.D. on the 6th March 2023 and that of not committing any other crime of a voluntary nature, this is in breach of article 579 of the Chapter 9 of the Laws of Malta.

The Court has been asked to revoke the bail conditions of Joey Hendrikus Joza Johanna Deckers and order his re-arrest, whilst the sum stated in the bail bond shall be forfeited to the Government of Malta as stipulated in article 579 (2)(3) of the Chapter 9 of the Laws of Malta

Noting that during the sitting held today the accused admitted to all the charges brought against him;

Noting also that the court upon the accused's admission granted the accused additional time within which he was to consider his admission of guilt and afforded him the opportunity to once again confer with his lawyer;

Noting that the accused once again confirmed his admission;

Heard the submissions of both parties regarding punishment to be meted out to the accused.

Took note of all the documents exhibited in the records of the case.

Considered:

Since the accused has admitted all the charges brought against him the court deems that the same said charges have been duly proven to the degree requested by law and hence finds the accused guilty of all the charges.

As to the punishment this Court shall be taking into consideration the nature of the charges brought against the accused as well as his co-operation with the police and the fact that he has pleaded guilty at this very early stage of the proceedings.

Regarding the third charge, the Court notes that the Prosecution has not contested the allegation made by the defence counsel for the accused, namely that the accused has not as yet been notified that the bail condition regarding curfew has been duly amended following the accused's application for an amendment in February 2023.

The Court however also notes that as pointed out by the Prosecution, apart from staying out later than the time granted by court, the accused also committed another breach of the bail conditions because he committed another violation of the law, namely the offences he is being charged with today before this court.

Even though the defence argued that the accused was under the wrong impression because in the Netherlands the law is different, and furthermore, that the four mature plants are not fit for purpose because they are afflicted with a parasite, the Court deems ignorance of the

law is not an excuse and hence is of the opinion that the accused has breached a bail condition – that of committing another offence whilst under bail.

Decide:

Therefore, the Court, for the above reasons and after having seen Article 8(c) and Article 22(2)(b) of Chapter 101 of the Laws of Malta, GN 292/1939 as amended by Chapter 101 of the Laws of Malta and Article 579 of Chapter 9 of the Laws of Malta finds the accused **Joey Hendrikus Joza Johanna Dekers** guilty of all the said charges and therefore inflicts on him the multa of one thousand five hundred euro (€1,500).

Regarding the application of Article 572(2) of chapter 9 of the Laws of Malta, the Court orders the seizure of the sum of one thousand (€1,000) from the amount deposited by the accused as bail guarantee on the 16th July, 2022.

The Court also orders the seizure of all the objects exhibited by the Prosecution in the course of these proceedings.

Orders also that the acts and a copy of this judgement be scanned to the Attorney General and this within the time period specified by the law.

(sgn.) Dr Brigitte Sultana
Magistrate

(sgn.) John Vella
D/Registrar

True Copy

For the Registrar