



MALTA

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

**MAGISTRATE DR.
CONSUELO-PILAR SCERRI HERRERA**

Sitting of the 20th April, 2004

Number. 270/2004

**The Police
Inspector Josric Mifsud
V**

MORTEN LINAKE

The Court

Having seen that the accused **MORTEN LINAKE** aged 22, son of Asbjorn and Anne Lise Gusland, born in Oslo on the 24th July 1981 and residing at Windrose, Flat, 1, School Street, Msida, holder of a Norwegian passport number 1246784 was arraigned before her accused with having on these Islands, on the night of the 18 and 19 of April 2004, and three months before this date, had in his possession the resin obtained from the plant Cannabis or any other preparation of which such resin formed the base.

Having seen all the documents exhibited in the acts of these proceedings by the Prosecution in particular the consent of the Attorney General in terms of sub section 2 of Section 22 of the Dangerous Drugs Act Chapter 101 dated 20th April 2004 and the statement released by the same accused on the 19th April 2004.

Having heard the accused plead guilty to the charges brought forward against him.

The Court explained to the accused the consequences of his plea of guilt and after having given the accused sufficient time to reconsider his plea of guilt and saw that the same accused insisted on registering in the acts of these proceedings his plea of guilt, had no alternative but to register such plea.

In the light of the above plea of guilt which guilty plea was made voluntarily, expressly and unconditionally, the Court is satisfied that the accused is to be found guilty of the charges brought forward against him.

The Court considered the following facts as mitigating circumstances for the Court to go below the minimum in awarding punishment:

1. In particular the full co-operation of the accused and this from an early stage right from the beginning of the investigation when he released his statement on the 19th April 2004;
2. The early plea of guilt registered in these proceedings during the first sitting when the examination of the accused took place in terms of sections 370(4), 390(1) and 392 of the Criminal Code;
3. The small amount of Cannabis found in his possession which, according to the Prosecution was for his personal use;
4. That he is a first time offender and that he is a university student in a foreign country.

Informal Copy of Judgement

Consequently the Court saw the relevant sections at law in particular section 8(a)(d) of Chapter 101 of the Laws of Malta.

The Court is of the opinion that, after having regard of the circumstances of the case, including the nature of the offence and the character of the offender, decides to make an order discharging the offender MORTEN LINAKEK subject to the condition that he commits no offence during a period of two years from today in terms of section 22(1) of Chapter 446 of the Laws of Malta.

The Court explained the importance of this judgment to the accused and what would happen should he fails to observe it.

< Final Judgement >

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