



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

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

Sitting of the 1 st June, 2004

Number 337/2004

**The Police
Inspector Norbert Ciappara
V**

VALERIE DOUVRE

The Court

Having seen that the accused **VALERIE DOUVRE** aged 20, daughter of Pierre and Dominique nee Mallet, born in Lyon, France, on the 26th June, 1984 and residing at 'Gardenia Flats', Flat 5, Triq il-Giebja, Swieqi, holder of a French passport bearing number 02zd83071 was arraigned before her accused with having in these Islands, on the 31st May 2004 and the two months prior to this day, was in possession of Cannabis resin or any other preparation which has as its base the resin extracted from the plant cannabis.

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 1st June 2004 and the statement released by the same accused on the 1st June 2004.

Having heard the accused plead guilty to the charges brought forward against her when she was duly examined in terms of sections 370(4), 390(1) and 392 of Chapter 9 of the Laws of Malta.

The Court explained to the accused the consequences of her plea of guilt and after having given the accused sufficient time to reconsider her plea of guilt and saw that the same accused insisted on registering in the acts of these proceedings her 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 her.

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 she released her statement on the 1st June 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 her possession which, according to the Prosecution was for her personal use;
4. That she is a first time offender and that she 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 VALIERIE DOUVRE subject to the condition that she 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 she fails to observe it.

The Court nominates Godwin Sammut and orders him to withdraw and destroy the drug exhibited in the acts of these proceedings.

< Final Judgement >

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