



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

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

Sitting of the 1 st June, 2004

Number 334/2004

**The Police
Inspector Dennis Theuma
V**

KATERINA REJNARTOVA

The Court

Having seen that the accused **KATERINA REJNARTOVA** aged 24, daughter of Antoninin and Alene nee Mika La Rawa, born in Jablonec Nad Nisou [Cech Republic] on the 16th September 1979 and residing at 'St. Julian Apartments', St. George's Street, Paceville, holder of a Cech passport bearing number 10519647 was arraigned before her accused with having in these Islands, on the 30th May 2004 and in the previous weeks in the Maltese Islands, had in her possession the drug Cocaine specified in the first schedule of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, when she was not in the possession of an import authorisation,

or of any export authorisation issued by the Chief Government Medical Officer in pursuance of part 4 and part 6 of the Ordinance when she was not licenced or otherwise authorised to manufacture and/or supply the drug, and was not authorised by the Dangerous Drugs Internal Control Rules [GN 292/1939] to be in possession of the drug and failed to improve that the above mentioned drug was supplied for her personal use according to the medical prescription as provided in the said rules and this in breach of regulation 8 of the Internal Control of Dangerous Drugs Regulations [GN 292/1939] as subsequently amended and in breach of the Dangerous Drugs Ordinance Chapter 101 of the Laws of Malta.

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 31st May 2004 and the statement released by the same accused on the 31st May 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 31st May 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 Cocaine found in her possession.

Consequently the Court saw the relevant sections at law in particular section 8(a)(d) of Chapter 101 of the Laws of Malta and GN 292/ 1939.

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 one year from today in terms of section 22 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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