



MALTA

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

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

Sitting of the 16 th August, 2004

Number 404/2004

**The Police
Inspector Nezren Grixti
v**

KEVIN CAUCHI

The Court,

Having seen that the accused **KEVIN CAUCHI** aged 20 of Australian nationality, son of Alfred and Carmen, born on the 27th March 1984 in Sydney, Australia and in possession of passport number P/N M 1319947 was brought forward before her and charged with having on the 15th August 2004 at about 22.00 hours in Siggiewi and during this month was found in possession the resin obtained from the plant Cannabis or any other preparation of which such resin formed the base in terms of section 8(a) of 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 16th August 2004 and the statement released by the same accused on the 16th August 2004.

Having heard the accused plead guilty when the examination in chief was made to the accused in terms of section 370(4), 390 (1) and 392 of Chapter 9 of the Laws of Malta.

Having cautioned the accused in the most solemn manner with regards to the legal consequences ensuing from his guilty declaration and having given the same accused time to reconsider his guilty plea, the accused insisted on registering a guilty plea as in fact was registered in the acts of these proceedings on the 16th August 2004, as can be evidenced from the examination in chief carried out in terms of section 370(4), 390(1) and 392 of Chapter 9 of the Laws of Malta.

The Court before proceeding to pronounce judgment, as was its duty to do, heard the Prosecution and the Defense lawyer make their submissions regarding the punishment to be given to the accused.

The Court, having been assured that accused understood the nature of the accusations brought forward against him had no alternative but to find the accused guilty of such charges.

The Court took note of the following before proceeding to pronounce judgment in particular the early admission of guilt and the fact that the Court was dispensed from hearing all the evidence; the full co-operation of the accused with the Prosecution as stated by the Prosecution in the sitting of the 16th August 2004; the young age of the accused and the small insignificant amount of drugs found in his possession.

The Court having seen section 8(a)(d) of Chapter 101 of the the Laws of Malta and GN 292/1939 declares that it finds the accused KEVIN CAUCHI guilty of the charges brought forward against him and decides to discharge the offender subject to the condition that he commits no other crime for 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 its consequences should he fail to adhere to it.

The Court nominates Pharmacist Mario Mifsud and orders him to withdraw and destroy the drug exhibited in the acts of these proceedings.

< Final Judgement >

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