



MALTA

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

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

Sitting of the 5th November, 2004

Number 472/2004

**The Police
Inspector Dennis Theuma
V**

MICHELINE ANETTE SMITH

The Court

Having seen that the accused **MICHELINE ANETTE SMITH** aged 39, daughter of Stephen Bieifuss and Dorothy Halloway, born in Denton, Texas on the 19th Januar 1965, residing at 107, Aquila Bay Avenue, Stafford, Virginia 22554 in possession of passport number 210382940 was arraigned before her accused with having on the 4th November 2004 in the Maltese Islands, imported or brought into or exported from Malta the whole or any portion of the plant Cannabis for personal use.

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 section 22(2) of the Dangerous Drugs Act Chapter 101 dated 5th November 2004 and the statement released by the same accused on the 4th November 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 her 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 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 not to give an effective prison sentence:

1. The full co-operation of the accused with the Prosecution and this from an early stage right from the beginning of the investigation when she released their statement on the 4th November 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 and thus no precious time of the Court was wasted;
3. The small amount of Cannabis found in her possession which, according to the Prosecution was for her personal use; and

4. The clear conduct of the accused thus allowing the Court to treat her as a first time offender.

The Court, having seen the relevant sections at law in particular section 7 and 8(d) of Chapter 101 of the Laws of Malta decides to find the accused MICHELINE ANETTE SMITH guilty of the charges brought forward against her and condemns her to a period of eighteen months imprisonment which period is being suspended for two years in terms of section 28A of Chapter 9 of the Laws of Malta provided she commits no other offence within that time.

The Court explained the importance of this judgment to the accused and the consequences should she fail to adhere to it.

The accused declared she understood the importance of this judgment.

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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