



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

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

Sitting of the 24 th July, 2005

Number 238/2005

**The Police
Inspector Pierre Grech
V**

OSCAR GARCIA

The Court

Having seen that the accused **OSCAR GARCIA** aged 16 years, son of Jose and Charo nee Hoyuelos born in Bilbao, Spain on the 23rd July 1989 and temporary residing at Days Inn, Cathedral Street, Sliema, holder of Spanish passport number AC 651696 V was arraigned before her accused with having in St. Julians on the 23rd July 2005 been in possession of 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 the Fiat of the Attorney General dated 23rd July 2005 exhibited in the acts of these proceedings so that this case may be dealt with by this Court as a Court of Criminal Judicature.

Having seen that the accused had no objection to his case to be dealt with summarily.

Having heard the accused plead guilty to the charges brought forward against him when he was duly examined in terms of sections 370(4), 390(1) and 392 of Chapter 9 of the Laws of Malta and this on the same day of his arraignment today the 25th July 2005.

The Court explained to the accused the consequences of his plea of guilt and after having given him 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 and this in the presence of his defense lawyer.

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

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 took note of the following before proceeding to pronounce judgment in particular the early admission of guilt and consequently the fact that the Court was dispensed from hearing all the evidence of this case, the fact that the accused, who is still a teenager, that he fully corroborated with the Prosecution during these procedures and the fact that the amount of drugs found in his possession was negligible.

Informal Copy of Judgement

Having seen the relevant sections at law in particular Section 8(a) of Chapter 101 of the Laws of Malta, the Court decides to find the accused **OSCAR GARCIA** guilty on his own admission of the charge brought forward against him and and **discharges the offender subject to the condition that he commits no offence for the next 18 months 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 the consequences if he fails to adhere to it.

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

< Final Judgement >

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