



**QORTI TAL-MAGISTRATI (MALTA)
BHALA QORTI TA' GUDIKATURA KRIMINALI**

**MAGISTRAT DR.
LAURENCE QUINTANO**

Seduta tad-29 ta' Ottubru, 2008

Numru. 104/2008

Drugs 104/2008

**The Police
(Inspector Dennis Theuma)**

Versus

Abdallah Abbas Hussein

The Court

1. Having seen the charge laid against Abdallah Abbas Hussein, 33 years old, born in Sudan on the 25th February 1975, son of Hussein and Halima nee Abbas residing in Malta at Flat 3 Neptune Court Qawra Road Saint Paul's Bay and holder of Immigration Document bearing number 004101 AA and alien ID 39772 A

That having on these Islands on the night between the 14th and the 15th of June 2008 been in possession of the

resin obtained from the plant Cannabis or any other preparation of which such resin forms the base in breach of section 8(a) of Chapter 101 of the Laws of Malta

Which offence took place in, or within, 100 metres of the perimeter of a school, youth club or centre, or such other place where young people habitually meet and in conditions denoting that the said drug was not intended for his exclusive use.

2. The Court was requested to condemn the defendant to pay the experts' fees should the defendant be found guilty in accordance with section 533 of Chapter 9 of the Laws of Malta.

Having seen all the acts and documents in the file including the defendant's conviction sheet, the Order of the Attorney General of the 16th June 2008, the defendant's first reply to the charges of Not Guilty (fol.9), the exhibits marked from DT1 to DT 7, the appointments of two experts made on the 27th June 2008 (fol.100, one to analyse the exhibit/s with the alleged drug (Mr.Godwin Sammut) and the other one to analyse the phone calls (Mr.Bajada), the statement of the defendant made on the 15th June 2008 (fol.18), the process verbal prepared by Magistrate Dr.Edwina Grima entitled 'Sworn deposition of Abdullah Mohammed Mohammed in accordance with section 24 of Chapter 101' (fol 26), the declaration made by the defence that there was no need to appoint an expert to determine the 100 metre distance mention as an aggravating circumstance, and should the defendant be found guilty the defence was not contesting this part of the charge (fol 39), the photos of items and substance suspected drugs (fol.46), the report filed by Mr.Bajada, (fol 51), the report filed by Mr.Godwin Sammut (fol 55), the appointment of Ms Oriana Deguara to translate the relevant pages from the report submitted by Mr.Godwin Sammut, and the defendant's guilty plea filed on the 3rd October 2008 which guilty plea he confirmed after having been given enough time to reflect on it.

Kopja Informali ta' Sentenza

Having heard the witnesses on oath

Having heard the defendant pleading guilty to the charge laid against him

Then the charge and the aggravating circumstance have been proved in accordance with the law.

Hence the Court declares the defendant guilty of the charge laid against him.

The Court, having seen section 8(a), 22(1)(a), 22(2)(b)(i) and the second proviso referring to distance which appears under section 22(2)(b)(i)(ii) of Chapter 101 of the Laws of Malta, finds the defendant guilty.

As to the punishment, the Court is taking into consideration the following elements :

- (a) the amount of cannabis - a total of 34.64 grammes;
- (b) its division into packets;
- (c) the level of its purity;
- (d) the aggravating circumstance.

The defendant has a clean conviction sheet and he has pleaded guilty though he only filed this plea after many witnesses had already been heard.

In the circumstances the Court is condemning the defendant to sixteen months imprisonment and to pay a fine (multa) of €550. The time spent in prison during the proceedings is to be deducted from the 16 months.

The fine (multa) may be paid in instalments of €50 each with the first instalment to be paid within four weeks from today. Should any instalment not be honoured, then the balance will be due forthwith. Any part of the fine (multa) which remains unpaid in the time frame indicated will be converted into a period of imprisonment in accordance with the Law.

Kopja Informali ta' Sentenza

After seeing article 533 of Chapter 9, the Court is condemning the defendant to pay (€324.56 + €374.73), that is a total of € 699.29 as fees for Court experts. If the defendant fails to pay this amount within three months, the amount will be converted into 60 days imprisonment.

The Court orders the destruction of the drug under the supervision of the Registrar.

< Sentenza Finali >

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