



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

**MAGISTRAT DR.
MARSEANN FARRUGIA**

Seduta tas-17 ta' Novembru, 2010

Numru. 247/2010

**The Police
(Insp Kevin J Farrugia)**

vs.

Sida sive Kassida Kassim

The Court,

Having seen the charge brought against Sida sive Kassida Kassim, son of Zahraia Siula and Jeneba sive Telebesija Sila, born Bamahu Mali in the year 1984 (unconfirmed day and month unknown), residing at Mount Carmel Hospital, Attard, known by the police by number 07LLL021

Charged with having on the 3rd June 2010 and in the previous days at Mount Carmel Hospital, Attard, and on these Islands, had in his possession the whole or any

portion of the plant cannabis in terms of Section 8 (d) of the Chapter 101 of the Laws of Malta.

The Court was also requested in case it finds the accused guilty, apart from inflicting the punishment according to law, to order the accused to pay the expenses relating to the appointment of experts in accordance with Section 533(1) of Chapter 9 of the Laws of Malta.

After having heard the evidence and seen the all the records of the case, including the order of the Attorney General in virtue of subsection two (2) of Section 22 of the Dangerous Drugs Ordinance (Chapter 101), for this case to heard by this Court as a Court of Criminal Judicature;

After having heard the accused plead guilty to the charge at an early stage of the proceedings, which admission was confirmed by the same accused even after the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him of the legal consequences of that admission, and allowed him sufficient time to re-consider his reply, and to change it;

After having heard the oral submissions on the punishment;

Considered that:

From the evidence brought forward and from the guilty plea filed by the accused himself, the Court concludes that the accused is guilty of the charge laid against him.

As regards the punishment, the Court took into consideration the fact that the accused admitted to the charge at a very early stage of the proceedings, the fact that he co-operated with the police, that he has a clean criminal record, and he is being recovered in Mount Carmel Hospital for anxiety and depression caused by drug and alcohol abuse. However, the Court also considers that taking drugs into a hospital is a serious thing, which undermines the efforts of the executive police to control the spreading of the addiction to dangerous drugs;

The Court, after seeing Sections 8(d), 22(1)(a) and Section 22(2)(b)(ii) of Chapter 101 finds the accused guilty as charged, but in the light of the considerations above-mentioned, is condemning him to a period of three

Kopja Informali ta' Sentenza

(3) months imprisonment, which are being suspended for a period of twelve (12) months from to-day, in terms of Section 28A of Chapter 9 of the Laws of Malta.

In accordance with Section 28A(4) of Chapter 9 of the Laws of Malta, the Court explained in clear and simple language the meaning of this judgement to the accused, and the consequences if he commits another offence punishable with imprisonment within the operative period.

In view of the declaration of the prosecuting officer that no experts were appointed in this case, the Court is abstaining from considering the request to condemn the accused to pay such costs.

< Sentenza Finali >

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