



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

**MAGISTRATE  
ANTONIO GIOVANNI VELLA**

Sitting of the 31<sup>st</sup> May, 2011

Number 196/2011

**POLICE  
INSPECTOR DENNIS THEUMA**

**VS**

**NIKOLAS GROSS**

**The Court;**

After seeing the charges brought against:

Nikolas Gross 31 years, German national, son of Gunther and Gabriele nee' Reidelbach, born Bad Biechenau, Frankfurt, Germany on the 17<sup>th</sup> August 1979, residing at 24, 97772, Rabensteinstr Germany and holder of German ID 910208044;

For having on these islands on the 29<sup>th</sup> May 2011

1) Had in his possession the drug Cocaine specified in the First Schedule of the Dangerous Drugs Ordinance,

Chapter 101 of the Laws of Malta, when he was not in possession of an import or an export authorization issued by the Chief Government Medical Officer in pursuance of the provisions of paragraphs 4 and 6 of the Ordinance, and when he was not licensed or otherwise authorized to manufacture or supply the mentioned drugs, and was not otherwise licensed by the President of Malta or authorized by the Internal Control of Dangerous Drugs Regulations (G.N. 292/1939) as subsequently amended by the Dangerous Drugs Ordinance Chapter 101, of the Laws of Malta;

2) Had in his 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 Laws of Malta;

**Considers:**

After having heard the evidence and the documents exhibited;

After having seen Articles 8(a) of Chapter 101 of the Laws of Malta;

After having seen the accused admit the charges brought against him, which admission was confirmed by him after having been given due time to reconsider in accordance with the law;

After having seen that the Court could deliver judgement summarily against the accused;

**Considers further:**

The facts of this case deal with the simple possession of drugs as per Chapter 101 of the Laws of Malta. In keeping with the sentencing policy adopted by the Courts, the judgement against the accused will simply be a written

sanction in accordance with the provisions of Chapter 446 of the Laws of Malta. It is evident to the Court that the accused made a very foolish mistake, and that he is thoroughly embarrassed by this. Given his clean criminal record and his employment status here in Malta, the Court will deliver judgement on the same lines as the Magistrates Courts do in these and other similar circumstances.

**Now, therefore, for these reasons;**

After having heard the accused's plea and after having given the time prescribed by Law for the accused to consider his plea, this Court finds the said accused guilty as charged, but discharges him from any punishment on condition that he does not commit another offence within the period of one (1) year from today, in accordance with the provisions of Article 22 Chapter 446 of the Law of Malta.

The Court explained in clear words the terms of the judgement to the accused.

**< Final Judgement >**

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