



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

**MAGISTRATE DR.
GABRIELLA VELLA**

Sitting of the 4 th August, 2011

Number 270/2011

**Police
(Inspector Victor Aquilina)**

Vs

Jason Savary

The Court,

After having considered the charge brought against Jason Savary, nineteen years of age, son of Philippe and Corinne neè Chivot, born in Rouen in France on the 29th October 1991 and residing at No. 95, Triq San Gwann Battista, San Gwann, or 13, Chemin du Bois Aux Loups Hameau Ramboville Saint-Germain-Des-Essourts (76), holder of French Identity Card Number 100276305748, of having on the 3rd August 2011 and the previous days, in these Islands been in possession of the whole or any portion of the plant Cannabis in terms of Section 8(d) of Chapter 101 of the Laws of Malta;

After having considered the request by the Prosecution that the accused be condemned to pay the costs incurred in connection with the appointment of Court experts in these proceedings in terms of Section 533(1) of Chapter 9 of the Laws of Malta;

After having considered the documents submitted in the records of the case;

After having heard the accused plead guilty to the charge brought against him, notwithstanding the fact that the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him in the most solemn manner of the legal consequences of his guilty plea after having given him sufficient time within which to reconsider and withdraw his guilty plea;

After having heard the Prosecution declare that it is not insisting on the request for the accused to be condemned to pay the costs incurred in connection with the appointment of Court experts in these proceedings in terms of Section 533(1) of Chapter 9 of the Laws of Malta;

Considers:

In view of the guilty plea submitted by the accused and after having considered Section 8(d) of Chapter 101 of the Laws of Malta, the Court finds the accused guilty of the charge brought against him. In view of the fact that the Prosecution is not insisting on the request for the accused to be condemned to pay the costs incurred in connection with the appointment of Court experts in these proceedings in terms of Section 533(1) of Chapter 9 of the Laws of Malta, the Court abstains from considering said request.

With regards to the punishment the Court took into consideration the fact that the accused has a clean criminal record, that he fully co-operated with the Police

and that he submitted a guilty plea at an early stage of the proceedings, and in view of all of the above and after having considered Section 22(b)(ii) of Chapter 101 of the Laws of Malta and Section 22 of Chapter 446 of the Laws of Malta, it does not deem it expedient to inflict on the accused the punishment set out in the law, namely in Section 22(b)(ii) of Chapter 101 of the Laws of Malta, and instead, in terms of Section 22 and Section 7(2) of Chapter 446 of the Laws of Malta, discharges the accused under the condition that he does not commit another offence within one (1) year from date of this judgment.

In terms of Section 22(3) of Chapter 446 of the Laws of Malta the Court the Court has explained to the accused in ordinary language that if he commits another offence during the above-mentioned period of conditional discharge, he will be liable to be sentenced for the original offence.

< Final Judgement >

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