



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

**MAGISTRATE DR.
MIRIAM HAYMAN**

Sitting of the 21 st October, 2011

Number. 593/2010

**THE POLICE
INSPECTOR JESMOND J BORG
INSPECTOR VICTOR AQUILINA**

VS

**JAMIES THOMAS CARTER, aged 31 years, son of
unknown father and Wendy nee' Carter, born in the
UK on the 07.05.1980, residing in Malta, Room 206,
Primera Hotel, Qawra, holder of British passport
106977342;**

**And DANIEL EMILE DEGISI, aged 26 years, son of
Anthony and Helen nee' Lockwood, born in
Manchester, UK on the 08.08.1985, residing in Malta,
Room 201, Primera Hotel, Qawra, holder of British
driving license DEGIS808085DE9JD;**

The Court;

Having seen charges proffered against the above-mentioned **Jamie Thomas Carter** and **Daniel Emile Degisi**, who were charged of having:

1. Together with another one or more persons in Malta or outside Malta, conspired, promoted, constituted, organised or financed the conspiracy with other person/s to import, sell, or deal in the drug (cocaine) in these Islands, against the provisions of The Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, or promoted, constituted, organised, or financed the conspiracy;
2. Also of having imported, or caused to be imported, or took any steps preparatory to import any dangerous drug (cocaine) into Malta in breach of Section 15A of Chapter 101 of the Laws of Malta;
3. Also of having supplied or distributed, or offered to supply or distribute the drug (cocaine), specified in the First Schedule of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, to person/s, or for the use of other person/s, without being licensed by the President of Malta, without being fully authorised by the Internal Control of the Dangerous Drugs Regulations (GN 292/1939), or by the authority given by the President of Malta, to supply this drug, and without being in possession of an import and export authorisation issued by the Chief Government Medical Officer in pursuance of the Provisions of Paragraph 6 of the Ordinance, and when they were not duly licensed or otherwise authorised to manufacture or supply the mentioned drug, when they were not duly licensed to distribute the mentioned drug, in pursuance of the Provisions of Regulation 4 of the Internal Control of Dangerous Drugs Regulations (GN 292/1939) as subsequently amended by the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta;
4. Also of having had in their possession the drugs (cocaine) specified in the First Schedule of the Dangerous

Drugs Ordinance, Chapter 101 of the Laws of Malta, when they were not in possession of an import or an export authorisation issued by the Chief Government Medical Officer in pursuance of the Provisions of Paragraphs 4 and 6 of the Ordinance, and when they were not licensed or otherwise authorised to manufacture or supply the mentioned drugs, and was not otherwise licensed by the President of Malta or authorised by the Internal Control of Dangerous Drugs Regulations (GN 292/1939) to be in possession of the mentioned drugs, and failed to prove that the mentioned drugs were supplied to them for their personal use, according to a medical prescription as provided in the said Regulations, and this in breach of the 1939 Regulations, of the Internal Control of Dangerous Drugs (GN 292/1939) as subsequently amended by the Dangerous Drugs Ordinance Chapter 101 of the Laws of Malta, which drug was found under circumstances denoting that it was not intended for their personal use.

Seen that proceedings were ordered to be conducted in the English language.

Seen Attorney General's counter order under Chapter 101 of the Laws of Malta (folios 273 and 274).

Seen also that both accused repeatedly entered an admission plea to the charges proffered.

Seen all records of the case, most especially accused's statements released after being given the right to legal assistance.

Seen that Prosecution declared that accused both benefit from the application of Section 29 of Chapter 101 of the Laws of Malta.

Seen in particular Pharmacist Mario Mifsud report a folio 118, the conclusion thereof and in relation to this the value of cocaine, the evidence of Jesmond Schembri of Sedqa.

Clearly there is a major difference between the value cited by the Court expert Pharmacist Mario Mifsud and Mr Schembri. In fact, the value of cocaine presented by Mr Schembri is significantly lesser in value - this on the basis that increase in cocaine usage and supply has at the time rendered the drug cheaper, since it is more accessible.

The Court besides taking into consideration the applicability of Section 29, will also consider this discrepancy in the value of cocaine in handing down punishment. Thus, seen Section 22(1)(f), 22(2)(b)(i) of Chapter 101 of the Laws of Malta, Part 4 and 6 of Chapter 101 of the Law of Malta, and GN 292.1939.

Considered also that their conviction sheet is untainted. Having also heard submissions by parties.

Sentences them to three(3) years effective imprisonment and to the payment of fine to the amount of €3,000.

Seen also Section 533 of Chapter 9 of the Laws of Malta, and condemns both accused to pay between them in equal portions the sum of €1,035.73, experts fees, ie €517.87 each.

Orders the destruction of drugs exhibited bearing reference number KB510.2010.

< Final Judgement >

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