



**CRIMINAL COURT**

**THE HON. MR. JUSTICE  
LAWRENCE QUINTANO**

Sitting of the 10 th February, 2012

Number 51/2010

**The Republic of Malta  
Vs  
Adela Mariana Creta**

**The Court,**

Having seen the bill of indictment no. 51/2010 against the accused Adela Mariana Creta wherein she was charged with:

1) After the Attorney General premised in the First Count of the Bill of Indictment that on the third day (3<sup>rd</sup>) of the month of August two thousand and nine (2009) and during the previous days ADELA-MARIANA CRETA decided to export from Belgium a quantity of the drug heroin to be imported into the Maltese Islands. For this illegal activity to take place, the accused boarded flight Air Malta KM 421 leaving from Brussels, Belgium destination Malta, carrying a luggage which contained a

packet filled with almost a kilogram (1kg) of the drug heroin. On this date this flight arrived and landed in Malta. ADELA-MARIANA CRETA was not authorized to import in Malta such dangerous drugs in terms of Law. The accused therefore managed to knowingly and illegally import in the Maltese Islands almost a kilogram of heroin.

However before ADELA-MARIANA CRETA managed to leave the Malta International Airport she was intercepted by the Police and Customs Officers who affected a search in her luggage. Following this search the Police found a packet, hidden in a false bottom of her luggage, filled with circa 906.2 grams of the drug heroin with its purity calculated at 28% and street value of forty one thousand six hundred eighty five euro and 20 cents (41,686.20), as determined later by the Court appointed expert.

The drug heroin is scheduled as per Part 1 of the First Schedule of the Dangerous Drugs Ordinance;

By committing the abovementioned acts with criminal intent, ADELA-MARIANA CRETA rendered herself guilty of importing or exporting, or cause to be imported or exported, or take any steps preparatory to importing or exporting, any dangerous drug (heroin) into or from Malta in breach of the provisions of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta.

Wherefore, the Attorney General, in the name of the Republic of Malta, on the basis of the facts and circumstances narrated above, accused ADELA-MARIANA CRETA of being guilty of having, on the third (3<sup>rd</sup>) day of August of the year two thousand and nine (2009), with criminal intent, imported or exported, or cause to be imported or exported, or taken any steps preparatory to importing or exporting, any dangerous drug (heroin) into or from Malta in breach of the provisions of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, and demanded that the accused

be proceeded against according to law, and that she be sentenced to the punishment of imprisonment for life and to a fine of not less than two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) but not exceeding one hundred and sixteen thousand four hundred and sixty-eight euro and sixty-seven cents (€116,468.67) and the forfeiture in favour of the Government of Malta of the entire immovable and movable property in which the offence took place as described in the bill of indictment, as is stipulated and laid down in articles 2, 9, 10(1), 12, 14, 15A, 22(1)(a)(1B)(2)(a)(i)(3A)(a)(b)(c)(d)(7), 22(A), 24A, and 26 of the Dangerous Drugs Ordinance and of articles 17, 23, 23A, 23B, 23C and 533 of the Criminal Code or to any other punishment applicable according to law to the declaration of guilty of the accused.

2) After the Attorney General premised in the Second Count of the Bill of Indictment that within and during the same context of place, time, facts and circumstances mentioned in the preceding count of this bill of indictment, that is to say on the third (3<sup>rd</sup>) day of August of the year two thousand and nine (2009) and during the previous days, ADELA-MARIANA CRETA agreed to export from Belgium a quantity of the drug heroin to be imported in the Maltese Islands. On this date the accused boarded flight Air Malta KM 421 leaving from Brussels, Belgium destination Malta, carrying a luggage which contained a packet filled with almost a kilogram (1kg) of the drug heroin. On this date this flight arrived and landed in Malta. ADELA-MARIANA CRETA was therefore knowingly and illegally in possession of almost a kilogram of the drug heroin while in the Maltese Islands which drug was found under circumstances denoting that it was not intended for her personal use.

However before ADELA-MARIANA CRETA managed to leave the Malta International Airport she was intercepted by the Police and Customs Officers who affected a search in her luggage. Following this

search the Police found a packet, hidden in a false bottom of the luggage, filled with circa 906.2 grams of the drug heroin with its purity calculated at 28%, and street value of forty one thousand six hundred eighty five euro and 20 cents (41,686.20), as determined later by the Court appointed expert.

The drug heroin is scheduled as per Part 1 of the First Schedule of the Dangerous Drugs Ordinance;

Consequently by committing the abovementioned acts with criminal intent, ADELA-MARIANA CRETA rendered herself guilty of being in possession of a dangerous drug (cocaine) as specified in the First Schedule of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta when she 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 she 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) to be in possession of the mentioned drugs, and failed to prove that the mentioned drugs were supplied to her for her 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 (G.N. 292/1939) as subsequently amended by the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta and which drug was found under circumstances denoting that it was not intended for her personal use.

Wherefore, the Attorney General, in the name of the Republic of Malta, on the basis of the facts and circumstances narrated above, accused ADELA-MARIANA CRETA of being guilty of having, with criminal intent, of being in possession of a dangerous drug (heroin) as specified in the First Schedule of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta when she 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 she 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) to be in possession of the mentioned drugs, and failed to prove that the mentioned drugs were supplied to her for her personal use, according to a medical prescription as provided in the said regulations and this in breach of the 1939 Regulations on the Internal Control of Dangerous Drugs (G.N. 292/1939) as subsequently amended by the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta and which drug was found under circumstances denoting that it was not intended for her personal use, and demands that the accused be proceeded against according to law, and that she be sentenced to the punishment of imprisonment for life and to a fine of not less than two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) but not exceeding one hundred and sixteen thousand four hundred and sixty-eight euro and sixty-seven cents (€116,468.67) and the forfeiture in favour of the Government of Malta of the entire immovable and movable property in which the offence took place as described in the bill of indictment, as is stipulated and laid down in articles 2, 9, 10(1), 12, 22(1)(a)(2)(a)(i)(3A)(a)(b)(c)(d)(7), 22(A), 24A, and 26 of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta and of regulations 2, 9 and 16 of the 1939 Regulations on the Internal Control of Dangerous Drugs (G.N. 292/1939) and of articles 17, 23, 23A, 23B, 23C and 533 of the Criminal Code or to any other punishment applicable according to law to the declaration of guilty of the accused.

Having seen all the records of the case, including those of the compilation of evidence before the Court of Magistrates (Malta) as a Court of Criminal Inquiry;

Informal Copy of Judgement

Having seen the jury's verdict of today's date whereby unanimously they found the accused not guilty of the two Counts of the bill of indictment.

After seeing article 487 of the Criminal Code declares Adela Mariana Creta not guilty of the two Counts preferred against her.

The Court is acquitting her and ordering that she be set at liberty.

**< Final Judgement >**

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