



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

**MAGISTRAT DR.
NEVILLE CAMILLERI**

Seduta tal-31 ta' Jannar, 2012

Numru. 108/2011

**The Police
(Inspector Josric Mifsud)**

vs

Samuel Justin Zerafa

The Court,

Having seen the charges brought against Samuel Justin Zerafa, twenty four (24) years, son of Raymond and Louise Ann neé Felice, born on the 26th. December 1986 and residing in 107, Flat 10, Triq il-Kbira, St. Julians, Malta with ID card number 109887M who was charged with having on these islands at 'Tan-Nepputi', Triq id-Disgha u Ghoxrin ta' Awwissu, 1679, Gharb, Gozo and

various other areas on these Islands, on the 5th March 2011, and previous year before this date, and time;

1. 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) and (d) of Chapter 101 of the Laws of Malta;

2. had in his possession the drug Cocaine specified in the First Schedule of the Dangerous Drug Ordinance, Chapter 101 of the Laws of Malta, when he was 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 he was not licensed or otherwise authorised to manufacture or supply the mentioned drugs, and when he was not in any other way authorised by the President of Malta or authorised 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 was supplied to them for his personal use, according to a medical prescription as provided in the said regulations, and this in breach of Regulation 8, 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;

3. had in his possession the restricted and psychotropic drug (ecstasy) when he was not authorised according to the said regulations, and this in breach of Regulation 5(1) of the Legal Notice 22 of 1985, and 40(A) and 120(A) and the third schedule under the Medical and Kindred Professions Ordinance Chapter 31 of the Laws of Malta and Article 16 of Act V of 1985 as amended;

Having seen the documents exhibited;

Having seen the order of the Attorney General (Doc. "F" and Doc. "G").

Having heard the accused admit to the charges brought against him which guilty plea was reaffirmed by the

Kopja Informali ta' Sentenza

accused after having been given sufficient time according to Law to reconsider the same.

Considers

That in view of the guilty plea filed by the accused, the Court finds the accused guilty as charged.

That in considering the punishment to be inflicted, the Court is taking into consideration the early guilty plea filed by the accused, his conviction sheet (Doc. "B") and the nature of the charges brought against him.

Consequently, the Court, after having seen Sections 8 (a) and (d) and the First Schedule of Chapter 101 of the Laws of Malta, Regulation 8 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 Regulation 5(1) of Legal Notice 22 of 1985, and Articles 40A and 120A and the third schedule under the Medical and Kindred Professions Ordinance (Chapter 31 of the Laws of Malta) and Article 16 of Act V of 1985 as amended, finds the accused guilty as charged but, in view of the above-mentioned considerations and after having seen Section 22 of Chapter 446 of the Laws of Malta, the Court is acquitting the accused on condition that he does not commit another crime within two (2) years from today.

The Court explained to the accused the consequences according to Law if he commits another crime during this period.

The Court rejects the Prosecution's request where it asked the Court to order the accused to pay the expenses related to the appointment of experts since no such experts were ever appointed.

< Sentenza Finali >

Kopja Informali ta' Sentenza

-----TMIEM-----