



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

**MAGISTRATE DR.
GABRIELLA VELLA**

Sitting of the 16 th April, 2012

Number 241/2012

**Police
(Inspector Rosanne Debattista)**

Vs

Charles William Lyte

The Court,

After having seen the charge brought against Charles William Lyte, twenty (20) years of age, son of Sebastian and Jane neè Nobel born in Burnley United Kingdom, on the 29th July 1991, residing at the Intercontinental Hotel Room 812 St. Augustine Street, St. Julians, holder of Passport Number 111861612, with having during the night of between the 14th April 2012 and the 15th April 2012 in the whereabouts of St. Julians, had in his possession the drugs (*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 was not otherwise licensed 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 were supplied to him for his 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;

After having examined all documents forming part of the records of these proceedings;

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;

Considers:

In the light of the admission of guilt to the charge brought against him, the Court finds the accused guilty of said charge.

In so far as concerns punishment, the Court took into account the fact that the accused registered a guilty plea at an early stage of the proceedings and that he fully co-operated with the Executive Police during the investigations.

Therefore after having read and considered Section 22(1)(a) and (2)(b)(i) of Chapter 101 of the Laws of Malta

and Regulation 9 of Subsidiary Legislation 101.02, whilst confirming that it finds the accused guilty of the charge brought against him, the Court condemns the accused to imprisonment for a period of six (6) months and to the payment of a multa amounting to four hundred and sixty six Euro (€466). However, since the Court is of the opinion that there are sufficient reasons which warrant that the said term of imprisonment be suspended, in terms of Section 28A of Chapter 9 of the Laws of Malta the said term of six (6) months imprisonment is being suspended for the period of one (1) year from date of this judgment however, the accused is still bound to pay the multa of €466 and this within a maximum period of one week from date of this judgment.

In terms of Section 28A(4) of Chapter 9 of the Laws of Malta the Court has explained to the accused in plain language his liability under Section 28B of Chapter 9 of the Laws of Malta if during the operational period he commits an offence punishable with imprisonment.

The Court is also ordering that the substance exhibited as Doc. "RD6" in the records of these proceedings be forfeited in favour of the Government and duly destroyed under the supervision of the Registrar of Courts.

< Final Judgement >

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