



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

**MAGISTRATE DR.
CONSUELO-PILAR SCERRI HERRERA**

Sitting of the 25 th February, 2013

Number. 53/2013

**The Police
(Inspector Josric Mifsud)
(Inspector Jason Francis Sultana)**

vs

GARY RAYMOND BEAL

The Court,

Having seen that the accused **GARY RAYMOND BEAL**, of 46 years, son of Eddie Lewis and Helen nee' Chandler, born at Barberton (Ohio, US) on the 17th December, 1966, residing at 18, Flat 2, Tigne' Seafront, Sliema, holder of the American Passport number 048356463, was arraigned before her accused that having on these islands on the 11th February, 2013 and seven (7) months before this date on various occasions:

- a) Imported, or caused to be imported, or took any steps preparatory to import any dangerous drug (Cannabis) into Malta against the provisions of The Dangerous Drugs Ordinance.
- b) Had in his possession the whole or any portion of the plant Cannabis.
- c) Had in his possession the resin obtained from the plant Cannabis, or any other preparation of which such resin formed the base.
- d) On the 11th February, 2013 and months before at Sliema, had in his possession a pointed arms proper (harpoon) without the license of the Commissioner of the Police.

Having seen all the documents exhibited in the acts of these proceedings by the Prosecution in particular the conviction sheet of the accused, an authenticated true copy of the passport of the accused, statement, police report, consent of the Attorney General so that this case is dealt with summarily, the American passport of the accused and the relative Proces Verbal.

Having heard the accused declare that he understands the English Language well and that he understood the charges brought forward against him by the prosecution.

Having heard the accused plead guilty to the charges brought forward against him.

The Court explained to the accused, in the presence of his lawyer Dr Clifton Grima, the consequences of his plea of guilt and after having given the accused sufficient time to reconsider his plea of guilt and saw that the same accused insisted on registering in the acts of these proceedings his plea of guilt, had no alternative but to register such plea.

In the light of the above plea of guilt which guilty plea was made voluntarily, expressly and unconditionally, the Court

is satisfied that the accused is to be found guilty of the charges brought forward against him.

The Court took note of the following before deciding on which punishment is to be awarded:

- 1) The full co-operation of the accused with the Prosecution from the early stages of the investigation even from the moment that the accused released his statement.
- 2) The fact that the case was solved in a short time due to the co-operation of the accused.
- 3) The fact that the amount of the drug imported was small, circa 15 grams of cannabis.
- 4) The fact that the accused who is an American National will be leaving the island immediately after the delivery of the judgement as stated by the Prosecution.

However on the other hand the Court noted the seriousness of the charges brought forward and the fact that although the accused was not charged as a recidivist, it transpires from an examination of the statement exhibited in these proceeding that he had already imported drugs to Malta on six occasions relating to personal use.

Thus the Court, having seen the relevant sections at law, in particular Section 8(a)(d) of Chapter 101 and Section 6 of Chapter 480 of the Laws of Malta, **decides to find the accused GARY RAYMOND BEAL guilty of the charges brought against him by the prosecution and condemns him to a fine of four hundred Euro (€400) in relation to the charges (b), (c), (d) and (e) and to imprisonment of one (1) year suspended to four (4) years, in terms of Section 28A of Chapter 9 of the Laws of Malta in relation to charge (a).**

The Court explained the judgement to the accused and what happens should he commit another crime of a voluntary nature during the operative period of the judgement and condemns him to pay all the expenses

incurred in relation to the inquiry held, a copy of which is exhibited in these proceedings.

The Court adds that the drug formally exhibited in Court is confiscated by the Court and the Court orders its destruction. Hence, the Court orders the Registrar of the Criminal Courts to effect such destruction and the Registrar is to compile a proces verbal documenting the destruction procedure, which document is to be inserted in the acts of these proceedings not later than fifteen days from today and this in line with the judgement given by the Court of Criminal Appeal on the 22nd December 2006 in the case 'Il-Pulizija vs Anthony Joseph Portelli'.

The Court orders that a copy of this judgement is sent to the Director of Criminal Courts.

< Final Judgement >

-----END-----