

Kopja Informali ta' Sentenza



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

**MAGISTRAT DR.
NATASHA GALEA SCIBERRAS**

Seduta tat-3 ta' April, 2013

Numru. 323/2012

**The Police
(Insp. Dennis Theuma)**

vs

Kelly Joseph Agius

The Court,

Having seen the charges brought against Kelly Joseph Agius, son of Anna Johanna, born in South Africa on 2nd January 1989 and residing at Lilly Flats, No 15, Upper Conversion Street, St Paul's Bay and holder of South African Passport with number 2630486:

For having in these islands on 15th December 2011 and in the previous weeks:

Pagna 1 minn 3

Qrati tal-Gustizzja

a) Had in his possession the resin obtained from the plant cannabis or any preparation of which such resin formed the base, in breach of Article 8(a) of Chapter 101 of the Laws of Malta.

After having heard the evidence and seen the all the records of the case, including the order of the Attorney General in virtue of subsection two (2) of Section 22 of the Dangerous Drugs Ordinance (Chapter 101), for this case to heard by this Court as a Court of Criminal Judicature; After having heard the accused plead guilty to the charge at an early stage of the proceedings, which admission was confirmed by the same accused even after the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him of the legal consequences of that admission, and allowed him sufficient time to re-consider his reply, and to change it; After having heard the oral submissions of the parties regarding punishment.

Considered that:

From the evidence brought forward and from the guilty plea filed by the accused himself, the Court concludes that the accused is guilty of the charge brought against him.

As regards the punishment, the Court took into consideration the fact that the accused admitted to the charge at a very early stage of the proceedings, that his criminal record is almost clean and the fact that he cooperated with the police.

The Court, after seeing Sections 8(a), 22(1)(a) and 22(2)(b)(ii) of Chapter 101 of the Laws of Malta and Regulation 9 of Subsidiary Legislation 101.02, finds the accused guilty as charged, but in the light of the considerations above-mentioned, and by application of Section 22 of Chapter 446 of the Laws of Malta, discharges him on condition that he does not commit another offence within one year from to-day.

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In accordance with Section 22(3) of Chapter 446 of the Laws of Malta, the Court explained in clear and simple language the meaning of this judgement to the accused.

< Sentenza Finali >

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