



MALTA

COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR.
CHARMAINE GALEA

Sitting of the 13 th May, 2014

Number. 146/2014

The Police
(Inspector Nikolai Sant)

vs.

Valentin Andre Charlet

The Court;

Having seen that the offender **Valentin Andre Charlet** of nineteen (19) years of age, son of Manuel and Lawrence nee` Sierro, born in Geneva on the 12th May 1995, residing at 60, Triq il-Kulunell Manche, San Giljan and holder of Swiss identity card number C7191954 was charged:-

With having on the 13th of May 2014, and the previous days before this date, on these islands;

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 was 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.

Having seen the Order issued by the Attorney General dated 13th May 2014 in terms of Article 22 (2) of Chapter 101 of the Laws of Malta, wherein the Attorney General ordered that the offender be brought before this Court as a Court of Criminal Judicature;

Having seen all the documents exhibited in the acts of these proceedings;

Having heard the offender plead guilty to the charge brought against him during today's arraignment and his insistence on such guilty plea after being given time according to law to reconsider;

Having heard prosecuting officer on oath;

Having seen the minutes of today's hearing;

Having heard submissions by the prosecution and the defence with regards to the punishment to be meted out to the offender;

Considers:

In view of the offender's guilty plea to the charge proffered against him, and since there is no reason emanating from these proceedings why this Court should not accept such plea, it is the duty of this Court to proceed with judgement and declare the offender guilty as charged.

In the context of punishment or sanction to be meted out to the offender, the Court is taking into consideration the following resulting factors, mainly (1) that the offender cooperated fully with the police in their duty to investigate, and (2) that the offender pleaded guilty to the charge at the earliest opportunity in these proceedings and (3) that he has a clean conviction sheet.

In view of the above, it is this Court's opinion that, having regard to all the circumstances of the case, the nature of the offence and the character of the offender, it is inexpedient to inflict punishment and consequently deems it fit to discharge the offender in terms of Article 22 of Chapter 446 of the Laws of Malta.

Therefore, the Court, having seen Part 4 and Part 6 of Chapter 101 of the Laws of Malta, article 22 (1) (a) and article 22 (2) (b) (ii) of Chapter 101, and Rule 9 of the Internal Control of Dangerous Drugs Rules (G.N. 292/1939) as subsequently amended by the Dangerous Drugs Ordinance, finds and declares **offender Valentin Andre Charlet** guilty of the charge brought against him and discharges the offender subject to

the condition that he commits no offence for a period of one (1) year from today, and this in terms of Article 22 of Chapter 446 of the Laws of Malta.

In terms of said Article 22 (3) of Chapter 446, the Court explained to the offender in ordinary language that if he commits another offence during the period of conditional discharge, the offender will be liable to be sentenced for the original offence.

Finally the Court orders that the exhibit marked as Doc. NS7 is destroyed, once this judgement becomes final, under the supervision of the Registrar of the Criminal Court, who shall draw up a *proces-verbal* documenting the destruction procedure. The said process-verbal is to be inserted in the records of these proceedings not later than fifteen days from the said destruction.

< Final Judgement >

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