



MALTA

COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR.
CONSUELO-PILAR SCERRI HERRERA

Sitting of the 26 th June, 2014

Number. 288/2014

The Police

(Inspector Herman Mula)

vs

KAREN MARIA KENNY

The Court,

Having seen that the accused **KAREN MARIA KENNY**, twenty nine (29) years, daughter of Patrick and Lina nee' Ebejer, born in UK on 9th December 1984, residing at 27, Sheringham house, Listen Str, London, UK and holder of Maltese ID Card bearing number 287203L was arraigned before her accused with having on these islands on the night between the 25th and 26th June 2014:

Had in her possession the drugs (cocaine) specified in the First Schedule of the Dangerous Drug Ordinance, Chapter 101 of the Laws of Malta, when she was not in possession of an import or an export authorisation issued by the Chief Government Medical Officer in pursuance of the provisions of paragraph 4 and 6 of the Ordinance, and when she 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 her for her 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.

The Court was also requested that in case of a guilty judgement, apart from applying the penalty according to law, to order the charged to pay the expenses related to experts appointed according to Article 533 of Chapter 9 of the Laws of Malta.

Having seen all the documents exhibited in the acts of these proceedings by the Prosecution in particular the statement made by the accused, the PCR personal details, conviction sheet and the consent by the Attorney General.

Having heard the accused declare that she understands the English language well and that she understood the charges brought forward against her by the prosecution.

Having heard the accused declare that she is indigent, the Court nominated Dr Alessandro Lia as Legal Aid lawyer to assist accused.

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

The Court explained to the accused, in the presence of the lawyer appointed by Legal Aid Dr. Alessandro Lia, the consequences of her plea of guilt and after having given the accused sufficient time to reconsider her plea of guilt and saw that the same accused insisted on registering in the acts of these proceedings her 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 her.

The Court considered the fact that the prosecution declared that the accused co-operated with the same during the investigation and had a clean conviction sheet and that the amount of drugs found in her possession amounted to 1 gram of cocaine.

Thus the Court, having seen the relevant sections at law, in particular Section 533(1) of Chapter 9, Section 8(1)(d) of Chapter 101 of the Laws of Malta and GN 292/1939, decides to find the accused KAREN MARIA KENNY guilty of the charges brought forward against her by the prosecution and decides to discharge her on condition that she does not commit another crime within a period of one year from today in terms of Section 22(1) of Chapter 9 of the Laws of Malta.

With reference to the request of the Prosecution to order the accused to pay the expenses related to experts appointed in case of guilt, the Court will not take cognisance of such request since no experts were appointed in this case.

Finally, the Court adds that the drug 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

Informal Copy of Judgement

Court of Criminal Appeal on the 22nd December 2006 in the case 'Il-Pulizija vs Anthony Joseph Portelli'.

< Final Judgement >

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