



MALTA

QORTI TAL-MAGISTRATI
(GHAWDEX) BHALA QORTI TA' GUDIKATURA KRIMINALI
MAGISTRAT
JOANNE VELLA CUSCHIERI

Seduta tal-11 ta' Lulju, 2014

Numru 61/2014

The Police

(Inspector Frank Anthony Tabone)

vs.

Wilco Gerritsen, 23 years old, son of Hans and Alice nee' Dijkstra,
born in Zwolle Netherlands, on the 2nd May 1991 and residing at No. 23,

Fl 2, Il-Makna Tas-Serrer Street, Msida

Malta holder of Dutch passport with number NWBFH5JC8

and

Robin Gerritsen 23 years old, son of Hans and Alice nee' Dijkstra,

Kopja Informali ta' Sentenza

born in Zwolle Netherlands, on the 2nd May 1991 and residing at No. 23,

Fl 2, Il-Makna Tas-Serrer Street, Msida Malta

holder of Dutch passport with number IK68DB435

The Court,

Having seen the charge brought against Wilco Rudolf Gerritsen and Robin Albert Gerritsen accused with having on the night between the 12th and 13th July 2014 at about 1.30am in Xlendi limits of Munxar Gozo;

1. Had in their possession the drugs (cocaine) specified in the First Schedule of the Dangerous Drug Ordinance, Chapter 101 of the Laws of Malta, when they were not in possession of an import or an export authorization 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 licenced or otherwise authorized to manufacture or supply the mentioned drugs, and was not otherwise licenced by the President of Malta or authorized 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;

Having seen the Order issued by the Attorney General, dated 14th of July, 2014 in terms of Article 22(2) of Chapter 101 of the Laws of Malta, wherein the Attorney General ordered that the accused be brought before this Court as a Court of Criminal Judicature;

Kopja Informali ta' Sentenza

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

Having heard accused plead guilty to the charge brought against them during today's arraignment and their 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 the parties;

Considers;

That in view of the accused's guilty plea to the charge proffered against them, 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 accused guilty as charged.

In the context of punishment or sanction to be meted out to the accused, the Court is taking into consideration the following resulting factors, mainly (1) that the accused cooperated with the police in their duty to investigate, (2) that the accused pleaded guilty to the charge at the earliest opportunity in these proceedings.

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 accused, it is inexpedient to inflict punishment and

consequently deems it fit to discharge the accused in terms of Article 22 of Chapter 446 of the Laws of Malta.

Therefore, The Court, having seen Sections 4 and 6 and Articles 22(1)(a) and 22(2)(b)(ii) of Chapter 101 of the Laws of Malta, finds and declares offenders Wilco Rudolf Gerritsen and Robin Albert Gerritsen guilty of the charge brought against them and discharges the offenders subject to the condition that they commit 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 of Chapter 446, the Court explained to the offender in ordinary language that if they commit another offence during the period of conditional discharge, the offenders will be liable to be sentenced for the original offence.

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 when such destruction takes place.

< Sentenza Finali >

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