



MALTA

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

**MAGISTRATE DR.**

**NATASHA GALEA SCIBERRAS**

Sitting of the 10 th December, 2014

Number. 484/2014

**The Police**

**(Inspector Malcolm Bondin)**

**vs**

**Jose Antonio Abella Diaz**

**(Spanish Passport number AAD582071)**

The Court,

After having seen the charges brought against the accused, Jose Antonio Abella Diaz:

Accused of having on these Islands, on 8<sup>th</sup> October 2014 and the days before this date:

- a. Imported or caused to be imported, or took any steps preparatory to import any dangerous drug (*cannabis grass*) into Malta against the provisions of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta;
- b. Imported or caused to be imported, or took any steps preparatory to import any dangerous drug (*cannabis resin*) into Malta against the provisions of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta.

The Court was also requested to apply Section 533(1) of Chapter 9 of the Laws of Malta, as regards the expenses incurred by Court appointed experts.

Having heard the evidence and having seen 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 of the Laws of Malta), for this case to heard by this Court as a Court of Criminal Judicature;

Having heard the accused plead guilty to the charges brought against him during the sitting held on 15<sup>th</sup> October 2014, which plea was confirmed by the 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 such plea and allowed him sufficient time to reconsider his reply and to change it;

Having heard submissions about the punishment to be inflicted.

### **Considered that:**

In view of the guilty plea filed by the accused, the Court cannot but find him guilty of the charges brought against him.

As regards the punishment to be inflicted, the Court took into consideration the early guilty plea filed by the accused and that he cooperated fully with the police during its investigation. The Court also took into consideration the clean criminal record of the accused, that the accused is in stable employment and that the *cannabis* was for his personal use. Furthermore, the Court also noted that the Prosecution is not insisting on an effective prison sentence.

### **Conclusion**

For these reasons, the Court after having seen Articles 2(1), 8(a), 8(d), 12, 15A, 22(1)(a), 22(2)(b)(ii), the proviso to Article 22(1B) of Chapter 101 of the Laws of Malta, Article 17(f) of Chapter 9 of the Laws of Malta and Regulation 9 of Subsidiary Legislation 101.02, find the accused guilty of the charges brought against him and condemns him to a fine (multa) of one thousand and five hundred Euro (€1,500), which by application of Article 14(2) of Chapter 9 of the Laws of Malta, may be paid by the accused in consecutive, monthly instalments of fifty Euro (€50), the first payment to be made not later than a month from the day of this judgement. Should the person sentenced default in the payment of any one instalment, such fine shall become immediately due and shall be converted into a period of imprisonment at the rate of one day imprisonment for every thirty five Euro (€35) or part thereof that remains due.

Since no experts have been appointed, the Court is not taking any note of the Prosecution's request in terms of Article 533 of Chapter 9 of the Laws of Malta.

The Court is not ordering the destruction of the drugs exhibited as Document MB2, in view of the Prosecution's request during the sitting held on 15<sup>th</sup> October 2014 and authorises the retention of the said drugs by the Police Force, in order that these may be utilised for training purposes by the Dog Section.

**< Final Judgement >**

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