



MALTA

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

Sitting of the 2 nd January, 2015

Number. 1/2015

**The Police**

**(Inspector Pierre Grech)**

**VS**

**EMILY CAROLINE BROOKE**

**The Court,**

Having seen that the accused **EMILY CAROLINE BROOKE**, holder of British Passport Number 520779106, was arraigned before her and charged

of having on the night between the 31st December 2014 and the 1st January 2015, on the Maltese Islands :

Had in her possession the psychotropic and restricted drug (ecstasy) without a special authorisation in writing by the Superintendent of Public Health, in breach of the provisions of the Medical and Kindred Professions Ordinance Chapter 31 Laws of Malta and the Drugs (Control) Regulations, Legal Notice 22 of 1985 as amended.

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

Having seen all the documents exhibited in the acts of these proceedings by the Prosecution in particular a true copy of the passport of the accused, conviction sheet, consent of the Attorney General for this case to be dealt with summarily, statement of the accused, declaration of refusal to legal assistance and the passport of the accused animo ritirandi.

Having heard the accused declare that she does not understand the Maltese language though she understands the English language and thus the Court ordered that the proceedings are to be held in the English language in terms of Section 5 of the Judicial Proceedings Act.

## Informal Copy of Judgement

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

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

The Court explained to the accused the consequences of her plea of guilt in the presence of her legal aid lawyer and after having given the accused sufficient time to reconsider her guilty plea 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 also noted that the Prosecution also exhibited the drug in question which was de minimis.

Having heard the Prosecution declare that the accused collaborated fully with her throughout this investigation.

**Thus the Court, having seen the relevant sections at law, in particular L.N. 22 of 1985 which stems from Chapter 31 of the Laws of Malta and**

**Section 533(1) of Chapter 9 of the Laws of Malta, and decides to find the accused EMILY CAROLINE BROOKE guilty of the charges brought forward against her by the prosecution and conditionally discharges her for a period of two years in terms of Section 22(1) of Chapter 446 of the Laws of Malta.**

**The Court also orders the confiscation of the drug exhibited in Court and 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 Court of Criminal Appeal on the 22<sup>nd</sup> December 2006 in the case 'Il-Pulizija vs Anthony Joseph Portelli'.**

**The Court does not take cognisance of the request of the Prosecution made in terms of Section 533(1) of Chapter 9 of the Laws of Malta since it does not transpire that there were any experts appointed in this case.**

**< Final Judgement >**

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