

30th January, 1992

Judge: -

Hon. Victor Caruana Colombo LL.D.

The Police

versus

Darren Lee Andrew Ferry

Appeal Application - Grounds of Appeal

The only grounds of appeal that may be considered are those expressly stated in the appeal application.

The Court: -

Having seen the charges brought against the accused;... Omissis;

Having seen the judgement of 8th July 1991 by which the Court of Magistrates (Malta) found the accused guilty of all the said charges and condemned him to the payment of "a fine of five hundred Maltese liri", and ordered the confiscation of documents J.M.1 to J.M.4 and their destruction by Dr. Anthony Abela Medici;

Having seen the appeal application of the accused who prayed for the reversal of that judgement and for his acquittal of all the charges brought against him;

Having seen the record of the proceedings and heard the submissions of Counsel, considers that:

1. *At the sitting of 30th October, 1991 counsel for the appellant submitted that all forensic tests had been conducted by Doctor Abela Medici who at the time had been a member of the Police Force and that such evidence and forensic tests were inadmissible. The Court agrees with the Attorney General's rejoinder on this point, that the only grounds of appeal that may be considered by this Court are those expressly stated in the appeal application, and that no further new grounds may be considered by the Court. This is clearly inferred from section 418(1) (b) of the Criminal Code which provides that the application of appeal shall under pain of nullity contain the*

grounds of the appeal;

2. *Indeed the appellant's application does not expressly indicate the grounds of the appeal. It is stated in the application, however that "the accused pleaded that he had no connection with the drugs found in the flat..." and that "the Court of Magistrates reached the mistaken conclusion..." By that the appellant just managed to show that the ground of his appeal is that the charges were not, as he claims, sufficiently proved against him;*

3. *After reviewing the evidence this Court finds no reason to vary the judgement of the Magistrates' Court;*

For the above reasons dismisses the appeal and confirms that judgement.
