

IN THE BASIC COURT OF PRIZREN

Case Number: P. 94/14

22 May 2014

IN THE NAME OF THE PEOPLE

The Presiding trial Judge of the Basic Court of Prizren, EULEX Judge Vladimir Mikula, assisted by Sonila Macneil as recording officer, in the criminal case against:

Name	H.
Surname	I. (formerly T.)
Father's name	I.T
Mother's name	Q. M
Date of Birth	.....
Place of Birth,
Gender	.....
Address	.....
Nationality	.....
Citizenship	.....
I.D. No.	Passport, ID No.
Occupation	.....
Economic status	.....
Education	.....
Family status	.....
Other Criminal	.....
Proceedings	
Previous	.....
Convictions	

Custody Detention on remand since 5 February 2014. Arrested on 4 February 2014 at 13:50hrs. Detention currently set to expire 4 July 2014.

CHARGED in the Indictment of the EULEX Prosecutor PPS No. 82/2011 dated 23 April 2014 and filed on 25 April 2014, as modified on 19 May 2014, in the following Counts:

COUNT 2:

Unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs and psychotropic substances, committed in co-perpetration contrary to Article 229, paragraphs 1, 2, 3 and 4 of the Criminal Code of Kosovo (CCK) in conjunction with Article 23¹ thereof punishable by a fine and by imprisonment of three to fifteen years.

Because

Between 1st October 2009 and 25th of November 2009, H.I committed the offence of unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs and psychotropic substances by participating in the exportation from Albania to Kosovo and transportation through Kosovo for distribution and sale in countries in Western Europe, namely Switzerland, Netherlands, Italy and/or Germany, of a shipment of 109kg of cannabis sativa as a member of a group, the cannabis having been seized by Albanian Police on 25 November 2009 from a Mercedes vehicle with licence plate TR 7598 I (Albania) in Maminas village, Durrës, on the Durrës-Tirana highway, Republic of Albania, and contained in 102 packages.

¹ Corresponding to Articles 273 and 279 of the Criminal Code of Kosovo, Law 04/L-082 of 2012 (new code).

COUNT 3:

Organised Crime contrary to Article 274 paragraph 2 of the CCK², punishable by a fine of up to 500.000 EUR and by imprisonment of at least 5 years.

Because

Between 24th July 2009 and 25th November 2009, H.I on the territory of Kosovo committed the offence of organised crime by committing a serious crime, namely unauthorised purchase, possession, distribution and sales of dangerous narcotic drugs from Albania into Kosovo and onwards to countries in Western Europe, *inter alia*, Slovenia, Italy, Germany, Switzerland and/or The Netherlands, within a structured group together with Xh.Th, A.K, G.Gj, G.I, A.T, and other unidentified co-perpetrators; actively participating in the criminal group; and organising, establishing, supervising, managing or directing the activities of the group; in order to obtain, directly or indirectly, a financial or other material benefit.

AFTER having held the first Initial hearing in closed session on 13 May 2014 and in open court on 19 May 2014 in which the EULEX Prosecutor of the Special Prosecution Office of the Republic of Kosovo (SPRK) withdrew from the charges on count 1 and 4 of the said indictment,

HAVING accepted the written Plea Agreement SPRK PPS No: 82/2011 dated 12 May 2014 filed on 19 May 2014 by the SPRK, in the presence of the defendant H.I (formerly T.), his defence counsel Ramë Gashi and in the presence of EULEX Prosecutor Martin Hackett,

PURSUANT to Article 359 of the Criminal Procedure Code³ (hereinafter “CPC”) on this 22nd day of May 2014, in open court and in the presence of the defendant, his defence counsel, the Court renders and announces the following:

² (Corresponding to Article 283 of the Criminal Code of Kosovo, Law 04/L-082 of 2012 (new code).

³ Criminal No. 04/L-123

JUDGMENT

The Counts 1 and 4 of the indictment against:

H.I (formerly T.), with personal details above,

COUNT 1: Unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs and psychotropic substances, committed in co-perpetration, contrary to Article 229, paragraphs 1, 2,3 and 4 of the Criminal Code of Kosovo (CCK) in conjunction with Article 23⁴ thereof punishable by a fine and by imprisonment of three to fifteen years.

Because

Between 24th July 2009 and 15th September 2009, H.I committed the offence of unauthorized purchase, possession, distribution and sale of dangerous narcotic drugs and psychotropic substances by participating in the exportation from Albania to Kosovo and transportation through Kosovo for distribution and sale in countries in Western Europe including Switzerland of a shipment of heroin as a member of a group.

COUNT 4: Money Laundering, contrary to Section 10.2 of UNMIK Regulation No. 2004/2 on the Deterrence of Money Laundering and Related Criminal Offences and/or in violation of Article 32 of *Law 03/L-196 on the Prevention of Money Laundering and Terrorist Financing of 3.09.2010, promulgated on 18.10.2010*)⁵, punishable by imprisonment of up to ten years and a fine of up to three times the value of the property which is the subject of the criminal offence

Because

⁴ Corresponding to Articles 273 and 279 of the Criminal Code of Kosovo, Law 04/L-082 of 2012 (new code),

⁵ Corresponding to Article 309 of the Criminal Code of Kosovo, Law 04/L-082 of 2012 (new code)

Between 24th July 2009 and 25th November 2009, H.I on the territory of Kosovo and/or abroad committed the offence of money laundering by knowingly or having cause to know that certain property, namely cash or other monetary means, is the proceeds of criminal activity, and which property is in fact proceeds of crime (unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs and psychotropic substances and organised crime):

Pursuant to Article 363 paragraph 1 (1.1) of the CPC are **REJECTED** because the SPRK Prosecutor withdrew from the charges on the count 1 and 4 of the said indictment during the first initial hearing.

Further, pursuant to Article 365 of the CPC,

The defendant H.I (formerly T.), is found GUILTY on the **COUNT 2** of the indictment:

For the criminal offence of **Unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs and psychotropic substances**, committed in co-perpetration contrary to Article 229 paragraph 4 of the CCK in conjunction with Article 23 thereof punishable by a fine and by imprisonment of three to fifteen years.

Because

Between 1st October 2009 and 25th of November 2009, H.I committed the offence of unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs and psychotropic substances by participating in the exportation from Albania to Kosovo and transportation through Kosovo for distribution and sale in countries in Western Europe, namely Switzerland, Netherlands, Italy and/or Germany, of a shipment of 109kg of cannabis sativa as a member of a group, the cannabis having been seized by Albanian Police on 25 November 2009 from a Mercedes vehicle with licence plate TR 7598 I (Albania) in Maminas village, Durrës, on the Durrës-Tirana highway, Republic of Albania, and contained in 102 packages,

and on the **COUNT 3** of the indictment:

For the criminal offence of **Organised Crime** contrary to Article 274 paragraph 2 of the CCK, punishable by a fine of up to 500.000 EUR and by imprisonment of at least 5 years.

Because

Between 24th July 2009 and 25th November 2009, H.I on the territory of Kosovo committed the offence of organised crime by committing a serious crime, namely unauthorised purchase, possession, distribution and sales of dangerous narcotic drugs from Albania into Kosovo and onwards to countries in Western Europe, *inter alia*, Slovenia, Italy, Germany, Switzerland and/or The Netherlands, within a structured group together with Xh.Th, A.K, G.Gj, G.I, A.T, and other unidentified co-perpetrators; actively participating in the criminal group; and organising, establishing, supervising, managing or directing the activities of the group; in order to obtain, directly or indirectly, a financial or other material benefit.

THEREBY, pursuant to Article 2 paragraph 2 of the Criminal Code of the of Kosovo⁶, committing the criminal offence of Organised Crime, in violation of Article 274 paragraph 2 of the CCK in conjunction with the criminal offence of Unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs and psychotropic substances under Article 229 paragraph 4 of the CCK.

HAVING been convicted of the criminal offence of Organised Crime under Article 274 paragraph 2 of the CCK in conjunction with the criminal offence of Unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs and psychotropic substances under Article 229 paragraph 4 of the CCK, pursuant to Articles 2, 34,36, 38, 39, 64 , 65 and 274 (2) of the CCK the defendant, **H.I (formerly T.)**, is sentenced to a punishment of **4 (four) years** and **6 (six)**

⁶ Criminal Code of Kosovo UNMIK/REG/2003/25

months imprisonment and a **fine in the sum of 600 (six hundred) Euros**, to be paid within 30 days of the date the Judgment becomes final.

Pursuant to Article 39 paragraph 3 and 4 of the CCK If the defendant is unwilling or unable to pay the fine, the court may allow the fine to be paid in instalments over a period not exceeding two years. Thereafter, if the convicted person remains unwilling or unable to pay the fine, the court may, with the consent of the convicted person, replace the fine with an order for community service work which will not interfere with his or her regular employment activities, as far as possible.

If the defendant does not consent to the replacement of the fine with an order for community service work, as provided for in paragraph 3 of the present article the court shall order a day of imprisonment for each 15 euro of the fine, provided that the term of imprisonment does not exceed six months.

The time spent in detention on remand shall be included in the punishment of the imprisonment.

No expenses of criminal proceeding shall be paid by the defendant.

FURTHER, detention on remand is hereby extended until the Judgment becomes final, because the risk of flight still exists as foreseen by Article 187, paragraph 1, subparagraphs 1.1, 1.2 and 1.2.1 of the CPC, but no longer than the expiry of the term of punishment imposed in the Judgment. A separate Ruling on detention will be issued.

REASONING

I. Procedural History

On 24 October 2011, EULEX Prosecutor Maarit Loimukoski issued a Ruling on Initiation of an Investigation against the defendant.

The ROII was filed with the Basic Court of Prishtinë/Priština (formerly named District Court) on 24 October 2011. On 2 November 2011, the Pre-Trial Judge of the Basic Court of Prishtinë/Priština ruled that the Basic Court of Prishtinë/Priština lacked territorial jurisdiction over the case, with the competent court being the Basic Court of Prizren (formerly named District Court). Accordingly, the Prosecutor re-filed the ROII with the Basic Court of Prizren for adjudication on 16 November 2011.

On 24 April 2012, the Pre-Trial Judge granted the extension of the investigation for a period of six months until 24 October 2012.

The Pre-Trial Judge thereafter granted the extension of the investigation for another six months until 24 April 2013. By way of Article 159 paragraph 1 of the CPCK, an investigation expires two (2) years from initiation. As such, this investigation continued by operation of law.

On 29 November 2013, the Pre-Trial Judge granted the extension of the investigation for a period of six months until 24 April 2014.

On 29 November 2013, the EULEX Pre-Trial Judge issued an Order for Arrest against the defendant.

On 29 November 2013, the EULEX Pre-Trial Judge issued a domestic wanted notice for the defendant and a request to the competent authority for issuance of an international wanted notice which was duly issued.

On 14 November 2013, the then Prosecutor issued a Ruling on Suspension of the Investigation, pursuant to Article 157 paragraph 1 of the CPCK.

On 4 February 2014, the defendant H.T entered into Kosovo. The Prosecutor issued a Ruling to Re-Open the Investigation.

On 4 February 2014, the defendant H.T was arrested in Kosovo.

On 5 February 2014, the Pre-Trial Judge ordered the detention on remand of the defendant. Ever since the detention on remand against the defendant H.I (formerly T.) was extended.

On 25 April 2014 the SPRK filed an indictment against the defendant H.I (formerly T.) PPS No. 82/2011 dated 23 April 2014.

The initial hearing commenced on 13 May 2014 at the Basic Court in Prizren. On that day the defence counsel of the defendant informed the court of discussions between the parties regarding a possible plea agreement. At the request of the parties the presiding Judge adjourned the initial hearing in order for those discussions to continue. On 19 May 2014 the prosecutor filed in court a plea agreement signed by the parties.

In the said plea agreement Count 3 was amended to charge the defendant under Article 274 paragraph 2 only.

During the hearing on the Plea Agreement on 19 May 2014 the Prosecutor withdrew on Count 1 and 4 of the indictment.

II. Jurisdiction

The judge is competent to adjudicate this case as per Articles 20, 21, 22, 25, 26 and 29 of the CPC and Law on Courts, Law no.03/L-199.

The CPC that entered into force on 1 January 2013 re-classified District Courts as Basic Courts.

The alleged crimes were committed in Kosovo and elsewhere, therefore the jurisdiction to try

these crimes falls within the jurisdiction of the Basic Court of Prizren. Accordingly, this Court has territorial jurisdiction over the case under Article 29 of the CPC.

The SPRK has exclusive competence over the offence of Organised Crime, in accordance with Article 5.1 n) of the Law on the SPRK, Law 03/L-052 of 2008.

Article 3.2 of the Law no.03/L-053 on Jurisdiction, Case Selection and Case Allocation of EULEX Judges and Prosecutors in Kosovo provides that EULEX Judges shall have jurisdiction over cases prosecuted by the SPRK. Consequently, EULEX Judge have jurisdiction in this case.

III. Indictment

The Defendant was charged in **four counts** in the Indictment.

Under **Count 1** (Unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs and psychotropic substances) it was averred that:

Between 24th July 2009 and 15th September 2009, H.I committed the offence of unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs and psychotropic substances by participating in the exportation from Albania to Kosovo and transportation through Kosovo for distribution and sale in countries in Western Europe including Switzerland of a shipment of heroin as a member of a group.

Under **Count 2** (Unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs and psychotropic substances,) it was averred that:

Between 1st October 2009 and 25th of November 2009, H.I committed the offence of unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs and psychotropic substances by participating in the exportation from Albania to Kosovo and transportation through Kosovo for distribution and sale in countries in Western Europe, namely

Switzerland, Netherlands, Italy and/or Germany, of a shipment of 109kg of cannabis sativa as a member of a group, the cannabis having been seized by Albanian Police on 25 November 2009 from a Mercedes vehicle with licence plate TR 7598 I (Albania) in Maminas village, Durrës, on the Durrës-Tirana highway, Republic of Albania, and contained in 102 packages.

Under **Count 3** (Organised Crime) it was averred that:

Between 24th July 2009 and 25th November 2009, H.I on the territory of Kosovo committed the offence of organised crime by committing a serious crime, namely unauthorised purchase, possession, distribution and sales of dangerous narcotic drugs from Albania into Kosovo and onwards to countries in Western Europe, *inter alia*, Slovenia, Italy, Germany, Switzerland and/or The Netherlands, within a structured group together with Xh.Th, A.K, G.Gj, G.I, A.T, and other unidentified co-perpetrators; actively participating in the criminal group; and organising, establishing, supervising, managing or directing the activities of the group; in order to obtain, directly or indirectly, a financial or other material benefit.

Under **Count 4** (Money Laundering) it was averred that:

Between 24th July 2009 and 25th November 2009, H.I on the territory of Kosovo and/or abroad committed the offence of money laundering by knowingly or having cause to know that certain property, namely cash or other monetary means, is the proceeds of criminal activity, and which property is in fact proceeds of crime (unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs and psychotropic substances and organised crime):

- (i) converting or transferring, or attempting to convert or transfer, the property for the purpose of concealing the nature, source, location, disposition, movement or ownership of the property;
- (ii) converting or transferring, or attempting to convert or transfer, the property for the purpose of assisting any person – namely, Xh.Th, Q.Th, A.K, G.Gj and S. T and other unidentified members of the criminal group – who are involved in the commission of the criminal offences that produced the property to evade the legal consequences;

- (iii) converting or transferring, or attempting to convert or transfer, the property for the purpose of promoting the underlying criminal activity (purchase, sale and distribution of narcotics); and/or
- (iv) acquiring, possessing or using the property (cash or other monetary means).

IV. Considerations regarding the evidence

Burden and standard of proof

Article 6 (2) of the European Convention on Human Rights (hereinafter the “ECHR”), the Constitution of Kosovo and Article 3 (1) of the CPC enshrine the presumption of innocence to which Accused are entitled. This presumption places on the Prosecution the burden of establishing the guilt of the Accused, a burden which remains on the Prosecution throughout the trial.

Article 370 (7) of the CPC stipulates that *‘the court shall state clearly and exhaustively which facts it considers proven or not proven, as well as grounds for this’*. Accordingly, the Trial Panel must determine in respect of each of the counts charged against each of the Accused, whether it is satisfied on the basis of the whole of the evidence so that it is sure that every element of that crime has been established. Any doubt must be resolved in favour of the accused.

The court pursuant to Article 7 (1), (2) of the CPC *‘... must truthfully and completely establish the facts which are important to rendering a lawful decision’* and *‘... has a duty to examine carefully and with maximum professional devotion and to establish with equal attention the facts against the defendant as well as those in ... favour ...’*.

The evidence against H.I consists primarily of lawful interceptions of telecommunications between the accused and his criminal associates and between the criminal associates themselves. This evidence is corroborated by photographic and video surveillance in public places; information received from foreign police and prosecutorial authorities through formal

international legal assistance, primarily Albania, including forensic reports; and evidence obtained during searches conducted by Kosovo Police of the premises of Xh.Th and A.K subjected to expert analysis.

V. Plea agreement

The possibility of a Plea agreement was outlined to the Court on the morning of 13 May 2014 during the first initial hearing in Prizren Basic Court.

In these circumstances the Court adjourned the hearing until 19 May 2014 to ensure that all parties had time to be fully apprised of their rights and obligations and in order that any conditions precedent to the agreement could be completed to the satisfaction of all parties.

On 19 May 2014 the SPRK filed in court a written plea agreement SPRK PPS No: 82/2011 dated 12 May 2014 wherein it was agreed the defendant would enter a guilty plea under Count 2 and 3 of an Indictment, as follows:

COUNT 2:

Unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs and psychotropic substances, committed in co-perpetration contrary to Article 229, paragraphs 1, 2, 3 and 4 of the Criminal Code of Kosovo (CCK) in conjunction with Article 23 thereof punishable by a fine and by imprisonment of three to fifteen years.

Between 1st October 2009 and 25th of November 2009, H.I committed the offence of unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs and psychotropic substances by participating in the exportation from Albania to Kosovo and transportation through Kosovo for distribution and sale in countries in Western Europe, namely Switzerland, Netherlands, Italy and/or Germany, of a shipment of 109kg of cannabis sativa as a

member of a group, the cannabis having been seized by Albanian Police on 25 November 2009 from a Mercedes vehicle with licence plate TR 7598 I (Albania) in Maminas village, Durrës, on the Durrës-Tirana highway, Republic of Albania, and contained in 102 packages.

COUNT 3:

Organised Crime, contrary to Article 274 paragraph 2 of the CCK, punishable by a fine of up to 500.000 EUR and by imprisonment of at least 5 years.

Between 24th July 2009 and 25th November 2009, H.I on the territory of Kosovo committed the offence of organised crime by committing a serious crime, namely unauthorised purchase, possession, distribution and sales of dangerous narcotic drugs from Albania into Kosovo and onwards to countries in Western Europe, inter alia, Slovenia, Italy, Germany, Switzerland and/or The Netherlands, within a structured group together with Xh.Th, A.K, G.Gj, G.I, A.T, and other unidentified co-perpetrators; actively participating in the criminal group; and organising, establishing, supervising, managing or directing the activities of the group; in order to obtain, directly or indirectly, a financial or other material benefit.

Count 3 was amended to charge the defendant under Article 274 paragraph 2 only.

During the hearing on the Plea Agreement on 19 May 2014 the Prosecutor withdrew on **COUNT** 1 and 4 of the indictment.

Pursuant to article 233 paragraph 18 of the CPC, in considering whether to accept the guilty plea agreement, the Court questioned the defendant, his defense counsel and the prosecutor, and determined that a) the defendant understands the nature and the consequences of the guilty plea, b) the guilty plea is voluntarily made by the defendant after sufficient consultation with defense counsel and the defendant has not been forced to plead guilty or coerced in any way, c) the guilty plea is supported by the facts and material proofs of the case that are contained in the indictment and d) none of the circumstances under Article 253, paragraphs 1 and 2 of CPC exists.

Being satisfied that all of the conditions in paragraph 18 of the Article 233 are established, the Court accepted the guilty plea agreement and ordered that the agreement be filed with the court.

VI. Responsibility of the defendant

The defendant H.I (formerly T.) was charged in four counts in the Indictment.

In Count 1 he was charged with Unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs and psychotropic substances, committed in co-perpetration contrary to Article 229, paragraphs 1, 2, 3 and 4 of the Criminal Code of Kosovo (CCK) in conjunction with Article 23.

In Count 2 he was charged with Unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs and psychotropic substances, committed in co-perpetration contrary to Article 229, paragraphs 1, 2, 3 and 4 of the Criminal Code of Kosovo (CCK) in conjunction with Article 23.

In Count 3 he was charged with Organised Crime, contrary to Article 274 paragraphs 1, 2 and 3 of the CCK.

In Count 4 he was charged with Money Laundering, contrary to Section 10.2 of UNMIK Regulation No. 2004/2 on the Deterrence of Money Laundering and Related Criminal Offences and/or in violation of Article 32 of Law 03/L-196 on the Prevention of Money Laundering and Terrorist Financing of 3.09.2010, promulgated on 18.10.2010).

In the Plea Agreement dated 12 May 2014, signed by the parties, it was stated “the factual basis for this plea is set out in the indictment as the facts which pertain the Count 2 (November shipment) and Count 3 (Organised Crime).

The Court accepted the plea agreement which is supported by evidence and rejected Count 1 and 4 of the indictment.

Therefore, the Court found that the defendant H.I (formerly T.) committed criminal offence of Unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs and psychotropic substances, committed in co-perpetration contrary to Article 229 paragraph 4 of the CCK in conjunction with Article 23 thereof punishable by a fine and by imprisonment of three to fifteen years.

That between 1st October 2009 and 25th of November 2009, H.I committed the offence of unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs and psychotropic substances by participating in the exportation from Albania to Kosovo and transportation through Kosovo for distribution and sale in countries in Western Europe, namely Switzerland, Netherlands, Italy and/or Germany, of a shipment of 109kg of cannabis sativa as a member of a group, the cannabis having been seized by Albanian Police on 25 November 2009 from a Mercedes vehicle with licence plate TR 7598 I (Albania) in Maminas village, Durrës, on the Durrës-Tirana highway, Republic of Albania, and contained in 102 packages,

and criminal offence of Organised Crime contrary to Article 274 paragraph 2 of the CCK, punishable by a fine of up to 500.000 EUR and by imprisonment of at least 5 years.

That between 24th July 2009 and 25th November 2009, H.I on the territory of Kosovo committed the offence of organised crime by committing a serious crime, namely unauthorised purchase, possession, distribution and sales of dangerous narcotic drugs from Albania into Kosovo and onwards to countries in Western Europe, inter alia, Slovenia, Italy, Germany, Switzerland and/or The Netherlands, within a structured group together with Xh.Th, A.K, G.Gj, G.I, A.T, and other unidentified co-perpetrators; actively participating in the criminal group; and organising, establishing, supervising, managing or directing the activities of the group; in order to obtain, directly or indirectly, a financial or other material benefit.

VII. Sentencing

Having been convicted of the criminal offence of Organised Crime under Article 274 paragraph 2 of the CCK in conjunction with the criminal offence of Unauthorised purchase, possession, distribution and sale of dangerous narcotic drugs and psychotropic substances under Article 229 paragraph 4 of the CCK, the Court found Article 274 paragraph 2 of the CCK of the 'old' code more favourable to the defendant.

The Accused is 39 years of age and married with four children. He described his income as "average".

The Trial Panel considered the sentence of 4 (four) years and 6 (six) months imprisonment and a fine in the sum of 600 (six hundred) Euros was reasonable and proportionate.

The Court finds that the provisions of Article 233 of the Criminal Procedure Code have been complied with and that the plea agreement was entered into voluntarily by the accused and that he understood its import and implications regarding his future conduct at the time that it was signed by him. The Court notes that copies of the plea agreement have been retained by the parties and a copy has been retained on the Court's file.

The parties withdrew from the rights to appeal the said judgment.

For the reasons stated herein the Court renders this Judgment.

Judge Vladimir Mikula
Presiding Judge

Sonila Macneil
Recording Officer