



**Court of Magistrates (Malta)
As a Court of Criminal Judicature**

Magistrate Dr. Joseph Mifsud LL.D.

**The Police
(Inspector Daryl Borg)
vs
Marcos Dingcong Castor**

Today 23rd June 2018

Case number 387/2018

The Court,

Having seen the charges against **Marcos Dingcong Castor** holder of Philippines Passport Number P5243116A charged with having on 17th June 2018 between four o'clock and five o'clock in the evening onboard the vessel 'MV Solitaire', that is registered in Malta and flies the flag of Malta, which was at sea in the Gulf of Mexico;

- 1) Without intent to kill or to put the life of any person in manifest jeopardy with an arms proper or other instrument or of taking up any arm proper or other instrument against other persons, causing harm to the body or health, that is grievous bodily harm against Marlon Bagsic Levita according to the medical certificate issued by Dr. William Tanner Dawson MD from West Jefferson Medical Centre, United States of America.

The Court is requested, to provide for the safety of Marlon Bagsic Levita under the conditions it seems fit ai termini of Article 383 of Chapter 9 of the Laws of Malta et sequitur.

Having Considered:

The accused plead guilty to all charges brought against him notwithstanding the fact that the Court warned him in the most solemn manner of the legal consequences of his guilty plea, and after having given him sufficient time within which to reconsider and withdraw his guilty plea;

Having seen all the acts and documents exhibited;

Having heard the prosecution and defence counsel make their submissions;

Considers:

Having heard the guilty plea of the accused to the charges brought against him, the Court has no alternative but to declare the accused guilty of the said charges.

With regards to punishment the Court took into consideration the accused's early admission of guilt, the nature of the offences of which he stands charged, his clean criminal record, and all the circumstances of the case.

Wherefore, the Court after having seen section 217 of Chapter 9 of the Laws of Malta, on his admission finds defendant guilty of the charges brought against him and condemns him two years imprisonment which by application of section 28A of the said Chapter 9 are being suspended for a period of four years.

The Court explained to the defendant in ordinary language the significance of this judgement and of the consequences should he commit an other offence in the period of 4 years.

The Court also declares him to be prohibited immigrant and issues a Removal Order against him; and for the purposes of such removal authorises the Principal Immigration Officer to detain in custody the said Marcos Dingcong Castor so that he may be removed from these Islands under escort as provided in Chapter 217 of the Laws of Malta.

Dr Joseph Mifsud
Magistrate