



The Court of Magistrates (Malta)

As a Court of Court of Criminal Judicature

Magistrate Dr Aaron M. Bugeja M.A. Law, LL.D. (melit)

The Police

(Inspector Nicolai Sant)

vs

Ana Irina Negru

The Court after seeing the charges in respect of **Ana Irina Negru**, holder of identity card number 0181228A who was charged with having in the year 2017 (in brief) :

1. Committed forgery of an authentic and public instrument or of any commercial document in terms of article 183 of the Criminal Code;
2. Knowingly made use of false acts in terms of article 184 of the Criminal Code;
3. Knowingly made use of documents mentioned in article 184 of the Criminal Code in terms of article 186 of the Criminal Code;

4. Knowingly made a false declaration or statement or gave false information in terms of article 188 of the Criminal Code.

Having seen that during the sitting of the 26th November 2014 this Court ordered that proceedings be carried out in the English language after that it ascertained that the accused is English speaking in terms of law.

During the same sitting the Prosecuting Officer confirmed the charges on oath;

The Court ordered the examination of the accused in terms of Article 392(1)(b) where the accused, in the presence of her legal counsel, pleaded guilty to the same charges;

In view of this declaration, the Court warned the accused in the most solemn manner, and in plain and simple language, about the consequences arising out of her guilty plea in the sense that if reiterated, the Court was going to find her guilty and pass judgment in terms of law which could entail a prison sentence.

The Court granted her sufficient time within which to retract her guilty plea. The Court suspended the hearing of the case in order for the

person charged to have sufficient time within which to reflect on her decision and to consult with her legal counsel should she do wish.

After that the Court resumed with the sitting, it once again asked the person charged whether she was withdrawing her guilty plea or whether she was reiterating the same.

In view of this declaration the Court has no option but to find the accused guilty as charged.

The Court heard submissions made by the Prosecution and Defence and decided, in terms of articles 11 and 18 of Chapter 446 of the Laws of Malta to order the Director of Probation and Parole to provide a verbal report.

Having seen the report confirmed on oath by Probation Officer Larissa Bonello during the sitting of the 6th February 2019;

Having heard the final oral submissions of the Prosecuting Officer and of the Legal Counsel to the accused following which the Court adjourned this case for judgment in terms of Article 377 of the Criminal Code.

DECIDE : -

Consequently, this Court, after having seen articles 183, 184, 186 and 188 of the Criminal Code, and upon the unconditional plea of guilt registered by Ana Irina NEGRU, finds her guilty as charged.

As for the punishment that is to be meted out, after having seen that in principle, a prison sentence would be, *ceteris paribus*, the right sentence in this case. However having seen articles 2, 7, 11 to 14 u 24 of Chapter 446 of the Laws of Malta, and after having considered all the circumstances of this case, not least the declarations by the *parte civile*, the Court considers that there are the necessary conditions for it to condemn Ana Irina NEGRU to a Community Service Order.

Consequently the Court condemns Ana Irina NEGRU to a Community Service Order such that she will be obliged to perform community work as directed to her by the Director of Probation and Parole for a period of one hundred hours and this in line with the decree that is being attached and forming an integral part of this judgment.

In terms of Article 11(4) of Chapter 446 of the Laws of Malta, the Court is declaring also that before issuing this order, it explained to Ana Irina NEGRU in clear and simple language the effects of a community service order as well as the conditions attached to the relative decree.

In terms of Article 11(5) of Chapter 446 of the Laws of Malta, the Court orders that a copy of this judgment and of the Community Service Order decree be transmitted to the Director of Probation and Parole, and all the other persons responsible with the implementation of these orders.

Furthermore the Court orders that in terms of article 392A this judgment together with the records of the proceedings be transmitted to the Attorney General within six working days.

Delivered today the 20th February 2019 at the Courts of Justice in Valletta, Malta.

Aaron M. Bugeja



The Court of Magistrates (Malta)

As a Court of Criminal Judicature

Magistrate Dr Aaron M. Bugeja M.A. Law, LL.D. (melit)

COMMUNITY SERVICE ORDER

(SECTION 11 OF CHAPTER 446 OF THE LAWS OF MALTA)

Sitting of the 20th February 2019

THE POLICE
(Inspector Nicolai Sant)
vs
Ana Irina NEGRU

The Court,

After having delivered a judgment, in the above names, wherein Ana Irina NEGRU was found guilty as charged and after having deemed it justified to issue the said Community Service Order in terms of Article 11 of Chapter 446 of the Laws of Malta;

After having clearly explained to Ana Irina NEGRY the consequences and implications of the Community Service Order (including the additional conditions as here below specified in terms of Article 11 of Chapter 446 of the Laws of Malta) including that and if she fails to follow the Community Service Order or commits another offence she will be liable to be sentenced for the original sentence;

After having seen that Ana Irina NEGRU confirmed that she is willing to observe the requisites of the same Order;

The Court orders that Ana Irina NEGRU residing at 101, Panorama, Triq Efesu, San Pawl il-Bahar, and holder of identity card bearing number 0181228A be placed under a Community Service Order for a period of one hundred hours of community work/service which will be assigned to her by the Director of Probation and Parole which work /service must be carried out under the surveillance of a Community Service Official and subject to the following conditions:

1. That during the Community Service period, NEGRU obeys all the instructions given to her by the Community Service Officer and maintain regular contact requested by the Community Service Officer depending on the necessity of the case and situation.
2. That the work/service must be carried out during the specified time and period as described here above.
3. That the Community Service Officer must file a written report every six months whereby he/she submits a report to the Court in relation to the progress and behaviour of NEGRU.
4. That NEGRU must immediately inform the Community Service Officer of any change in her residential address or any temporary or permanent change in her employment.
5. That she must keep contact with the Community Service Officer and follow any orders give by the latter, including the possibility to receive visits from the same Community Service Officer if necessary.
6. That NEGRU signs and agrees to the above conditions as stated in this Community Service agreement.

ORDERS that a copy of this Community Service Order be handed over to NEGRU and another copy be notified to the Director of Probation and Parole and this in terms of Section 11(5) of Chapter 446 of the Laws of Malta.

If the person found guilty fails to adhere to the conditions mentioned here above, the Community Service Official shall report this to the Competent Court.

Ana Irina NEGRU

Christianne Borg, Deputy Registrar

Aaron M. Bugeja, Magistrate