



**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE**

MAGISTRAT DR SIMONE GRECH LL.D.

Today the 30th day of May 2019

**The Police
(Inspector Godwin Scerri)
vs
Brendon Rodney Darwent**

The Court,

Having seen that the accused BRENDON RODNEY DARWENT, holder of British passport number 529738410 was arraigned before her and charged with having:

'On the 29th of May 2019 at around 10:00hrs in St. Paul's Bay, with intent to commit the crime of uttering false currency, manifested such intent by overt acts which followed the commencement of the execution of the crime, in breach of Articles 41 (1)(a), 188B (1) of Chapter 9 of the Laws of Malta.

And accuse him of having in May 2019, in these Islands, without any legal authority, imported, exported, bought, received or acquired in his custody or possession counterfeit cash when knowing the validity of such cash, in breach of Article 188 (C) of Chapter 9 of the Laws of Malta.

And accuse him of having in the month of May 2019, in these Islands, of being in possession or had in his control items used in the commission or having a connection to fraud, in breach of Article 310BA of Chapter 9 of the Laws of Malta.

The court is being humbly request that this case is investigated according to Law and orders the confiscation all items exhibited.

The Court is also being humbly requested that prior to the destruction of the counterfeit currency, consults with the Central Bank of Malta and refrain with the order of destruction and proceed to consign such currency to the Central Bank of Malta for examination in terms of Article 188F of Chapter 9 of the Laws of Malta.

The Court is also being request that if the accused is found guilty, orders the payment against the accused any costs incurred in connection with the employment during these Court proceeding of any expert in terms of Article 533 (1) of Chapter 9 of the Laws of Malta.'

Having seen all the documents exhibited in the acts of these proceedings by the Prosecution;

Having heard the accused declare that he does not understand the Maltese language though he 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.

Having heard the accused declare that he is indigent, the Court appointed Dr Raisa Colombo as Legal Aid Lawyer to assist the accused.

Having heard the accused declare that he understands the nature of the charges brought forward against him.

Having heard the accused plead guilty to the charges brought forward against him and this during the first sitting of the 30th May 2019.

The Court explained to the accused the consequences of his plea of guilt and after having given the accused sufficient time to reconsider his guilty plea and saw that the same accused insisted on registering in the acts of these proceedings his 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 him.

The Court heard the prosecution declaring that with regards to the first, the proviso laid down in article 188B(1) of Chapter 9 of the Laws of Malta should apply.

The Court heard the prosecution also declaring that with regards to the second charge, this is given as an alternative to the first charge.

The Court took note of the fact that the guilty plea was registered in the first opportunity given to the accused.

The Court heard oral submissions with regards to the punishment.

The Court deems that in the circumstances, the accused should be condemned to a suspended prison sentence.

Decide

Consequently, the court after having seen Articles 41(1)(a), 188B(1), the proviso of Art 188B(1), 188C, 310BA, 188F and 533(1) of Chapter 9 of the Laws of Malta finds the accused guilty of the first and third charges brought against him and condemns him to two (2) years imprisonment which by application of article 28A of Chapter 9 of the Laws of Malta are being suspended for a period of four (4) years. The Court abstains from taking cognizance of the second charge as this was given as an alternative to the first charge.

The Court orders the confiscation of the items exhibited in Document BR5.

The Court orders the forfeiture of the items exhibited in Document BR 5 and furthermore orders that the items exhibited in the acts of this case as Document BR5 shall be consigned by the Registrar of the Court to a person appointed for such a purpose by the Central Bank of Malta, so that the same Bank may examine, destroy or otherwise dispose of such in such a manner and under such conditions as it may determine in accordance with Article 188F of Chapter 9 of the Laws of Malta.

In accordance with sections 28A (4) of Chapter 9 of the Laws of Malta, the Court explained in clear and simple language the meaning of this judgement to the offender, and the consequences which would follow if he fails to abide by it, that is if he commits another offence which is punishable by imprisonment within the operative period.

**Dr Simone Grech
Magistrate**

**Karen Falzon
Deputy Registrar**