



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

**MAGISTRATE  
DR. JOSEPH GATT LL.D.**

**Hearing of the 10<sup>th</sup> of November, 2023**

**Case Number: 8792/2023**

**The Police  
(Inspector Hubert Gerada)**

**vs**

**Imbuhila Phyonah Rhoda  
(Kenyan Passport Number: AK0588081)**

**The Court;**

Having seen the charges brought against the accused Imbuhila Phyonah Rhoda of 32 years of age, Kenya National, daughter of Zadock Muloli & Rosemarie Muyayano, born in Kakamega Kenya on 17-08-1991, residing at 5C, Qarsajja Street, Attard and holder of Kenyan passport bearing number AK0588081, charged with:

*1) Having on 9<sup>th</sup> November 2023 or previous days in these islands or somewhere else, forged, altered or tampered with, being a false Polish residence permit bearing number RR1431845, for used or had in his possession same false document, which she knew to be forged/counterfeit, altered or tampered with (Chap. 61, Sec. 5 of the Laws of Malta);*

*2) Having on same date, time and circumstances committed any other kind of forgery, or have knowingly made use of any other forged/counterfeit documents at Malta International Airport (Chap. 9, Sec. 189 of the Laws of Malta);*

*3) Having on same date, time and circumstances forged any document or true copy of a document or an entry made in pursuance of this act (Chap. 217, Sec. 32 (1d) of the Laws of Malta);*

Having seen that in today's sitting<sup>1</sup>, the accused registered a guilty plea to the charges brought against her.

Having seen that after the Court warned her in the most solemn manner about the legal consequence of her reply and allowed the accused a period of time for her to reply after consultation with her lawyer, the same accused reiterated her guilty plea.

Having seen the documents exhibited by the prosecution.

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<sup>1</sup> Relative minute commences at fol 3 of the acts of the proceedings.

Having seen the joint application filed by the prosecution and the defence, in terms of article 392A(5) of Chapter 9 of the Laws of Malta, whereby they requested the Court to impose a judgement of six (6) months imprisonment suspended for one (1) year.

Having seen the acts of the case.

## **Considered**

### **1) Facts and admission of guilt.**

Whereas the facts of the case emerge from the documentation of the acts of these proceedings and thus there is no need for a repetition of the same. As explained by the prosecution and evidenced by the clean conviction sheet of the accused, this was a first-time offence.

Whereas the accused decided to admit to the charges brought against her, which admission was repeated by herself after having been given enough time to reconsider her position<sup>2</sup>.

Whereas considering this<sup>3</sup>, the Court is therefore finding the accused guilty of the charges brought against her.

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<sup>2</sup> Reference is made to the judgement in the names **The Police (Insp. Jonathan Ransley) vs Jianlin Shen**, (App Nru: 44/2022) delivered by the Court of Criminal Appeal (Inferior Jurisdiction) on the 10th of June 2022.

<sup>3</sup>Regarding the effects of a guilty plea, the Court refers to the cases **Il-Pulizija vs George Cassar Desain**, given by the Court of Criminal Appeal (Inferior Jurisdiction) on the 27th of October 1962; **Il-Pulizija vs Andre Falzon**, (App Nru: 385/2015) given by the Court of Criminal Appeal (Inferior Jurisdiction) on the 19th of November 2015 **Il-Pulizija vs Godfrey**

## 2) Punishment

Whereas in the present case, the prosecution and the defence requested that this Court imposes a sentence of six (6) months imprisonment, which effects are to be suspended for one (1) year.

Whereas this Court, having seen that what was requested in the joint application falls within the parameters of the law; the fact that the accused had, until today, an untainted criminal record and her early admission to these charges, is acceding to the joint request.

## 3) Conclusion

For these reasons, the Court, after seeing article 189 of Chapter 9 of the Laws Malta, article 5 of Chapter 61 of the Laws of Malta and article 32(1)(d) of Chapter 217 of the Laws of Malta, finds the accused guilty of the charges brought against her and condemns her to six (6) months imprisonment. However, in light of the considerations above-mentioned, this term of imprisonment is being suspended for a period of one (1) year from today, in terms of Article 28A(1) of Chapter 9 of the Laws of Malta.

In accordance with Articles 28A(4) of Chapter 9 of the Laws of Malta, the Court explained to the convicted offender in ordinary language her liability under article 28B of Chapter 9 of the Laws of Malta, if during the operational period she commits an offence punishable with imprisonment.

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**Formosa**, (App Nru: 99/2017) given by the Court of Criminal Appeal (Inferior Jurisdiction) on the 26th of October 2017.

The Court is finally, in terms of article 392A(2) of Chapter 9 of the Laws of Malta, ordering that within six (6) working days, the Attorney General is to be given access to a scanned copy of the records, together with access to a scanned copy of the judgment.

**Dr Joseph Gatt LL.D.**  
Magistrate

**Annalise Spiteri**  
Deputy Registrar