



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

**MAGISTRATE DR. RACHEL MONTEBELLO LL.D.**

**Today, 7th January 2024**

**THE POLICE  
(Inspector Karl Roberts)**

**-Vs-**

**DAN ERUSEVSCHI**

**The Court,**

**Having seen the charges brought against DAN ERUSEVSCHI, son of Gudmila and Borris born n the 27/6/1984 in Moldov and holder of Moldovian passport with number AB1212884, who was accused of having on the 7th January 2024 or days prior to this date in these Islands:-**

1. That he had knowingly made use of a forged document; (Chap 9. Sec 189 of the Laws of Malta);
2. Also on the same date, time and circumstances without lawful authority used or had in his possession and document required for the purposes of the Immigration Act which is forged; (Chap 217, Sec 32 (1)(f) of the Laws of Malta.

The Court was requested that in case of guilt, sentence the accused to the payment, of the costs incurred in connection with the employment in the proceedings of any expert or referee.

Having ordered that the proceedings are conducted in the English language in accordance with Article 3 of the Judicial Proceedings (Use of English Language) Act after having heard the accused person declare that he does not understand the Maltese language but that he does speak and understand the English language;

Having seen the record of the proceedings;

Having heard the accused person plead guilty to the charges brought against him during the arraignment;

Having heard the accused person confirm his guilty plea even after having been afforded the time to reconsider their admission of guilt and to consult with his legal counsel;

Having heard the accused reconfirm his admission of guilt even after the Court explained to him in simple language, the punishment contemplated by law in the event of a finding of guilt for the offences with which he is charged and also after the Court was satisfied that the accused understood the legal consequences of his admission of guilt.

Consequently, in view of this voluntary and unconditional admission of guilt, in the presence of his legal counsel, the Court has no alternative but to find the accused guilty of all the charges brought against him and to proceed, as a Court of Criminal Judicature, to proceed to pass on the accused such sentence as would according to law be passed on an accused convicted of the offence.

Having heard the final submissions made by the Prosecution and the Defence Counsel in relation to the applicable punishment.

For the purposes of inflicting punishment, the Court considered that the crimes committed by the accused, that is of knowingly making use of a forged document, specifically a document required for the purposes of the Immigration Act (Cap. 217) without lawful authority, are serious in so far as such crimes frustrate and undermine the relentless efforts of the immigration authorities in the exercise of effective control of the country's borders against illegal immigration, which in turn, is a national security concern. Such crimes also undermine the public trust that is placed by law in the issue of documents by state authorities. Irrespective of the genuine motive that the accused may have had for wishing to enter Malta, he nonetheless misled the authorities with the deliberate use of a forged document in order to acquire entry into the country, and this action therefore merits a punishment that reflects the destabilisation of the national borders and the damage to public trust in documents issued by public authorities, that is constantly being caused by the commission of such crimes which have become all too frequent nowadays and require an effective deterrent.

On the other hand, the Court took into account the fact that it does not result that the accused has a tainted criminal conduct and also the fact that he admitted his guilt at the earliest stage of the proceedings. Moreover, while article 189 of the Criminal Code provides only for a maximum punishment of imprisonment for a term not exceeding six months, article 32 of the Immigration Act does not provide for a minimum punishment for the crime under subarticle (1) paragraph (f), but only for a maximum punishment of imprisonment for two years and or a maximum fine of €11,646.87. In the circumstances, the Court does not deem that it should impose a maximum punishment for the crime under article 189 of the Criminal Code and shall calibrate the punishment for the two crimes accordingly, while also applying the principle of formal concurrences of offences and punishments.

**For these reasons and after having seen Article 189 of the Criminal Code and Article 32(1)(g) of the Immigration Act, upon his own admission finds DAN ERUSEVSCHI guilty as charged and condemns him to three (3) months imprisonment.**

**DR. RACHEL MONTEBELLO**

**MAGISTRATE.**