



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

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

**Hearing of the 3<sup>rd</sup> of June, 2025**

**Case Number: 489/2025**

**The Police  
(Inspectors Karl Roberts and Elton Buckingham)**

**vs**

**OMISSIS**

**The Court;**

Having seen the charges brought against the accused OMISSIS charged with:

*That with several acts committed, even if at different times, constitute violations of the same provision of the law, and are committed in pursuance of the same design, between 01/01/2023 and 02/06/2025*

*1. And also that in the same dates and circumstances, with the intent to make any gain whatsoever aided, assisted, counselled or procured any other*

*person to enter or to attempt to enter or to leave or attempt to leave or to transit across or to attempt to transit across, Malta in contravention of the laws thereof, in Malta or outside Malta, conspired to that effect with any other persona ;*

- 2. And also that in the same dates and circumstances, or to gain any advantage or benefit for himself or others, in any document intended for any public authority, knowingly made a false declaration or statement, or gave false information.*
- 3. And also that in the same dates and circumstances, by means of any unlawful practice, or by the use of any fictitious name, or the assumption of any false designation, or by means of any other deceit, device or pretence, calculated to lead to the belief in the existence of any fictitious enterprise or of any imaginary power, influence or credit, or to create the expectation or apprehension of any chimerical event, made any gain to the prejudice of another person.*
- 4. And also that in the same dates and circumstances, aided or assisted any person to land or attempt to land in Malta, or to reside in Malta, contrary to the provisions of the Immigration Act, or any person to land or attempt to land, or to reside in, or to leave any other State contrary to the law on entry, residence and exit of that State, or concealed or harboured any person whom he knew, or has reasonable ground for believing, to be in Malta contrary to the provisions of this Act.*

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

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<sup>1</sup> Relative minute commences at fol 8A of the acts of the proceedings.

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

Having seen the documents exhibited by the prosecution.

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 two (2) years imprisonment suspended for four (4) years, together with a fine of twenty-three thousand, two hundred and ninety-three Euro and seventy-three cents.

Having also seen that the prosecution withdrew all reference to articles 15A, 23, 23A, 23B, 23C, 121D, 248E(3)(4)(4A), 532A, 532B, and 533 of Chapter 9 of the Laws of Malta in today's sitting.

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.

Whereas the accused decided to admit to the charges brought against him, which admission was repeated by himself 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 him.

## 2) Punishment

Whereas in the present case, the prosecution and the defence requested that this Court imposes a sentence of two (2) years imprisonment, which effects are to be suspended for four (4) years, together with a fine of twenty-three thousand, two hundred and ninety-three Euro and seventy-three cents (€23,293.73c),

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; his early admission to these charges, together with his collaboration with the investigating officers, is acceding to the joint request as the Court had already informed the accused in today's sitting.

## 3) Conclusion

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

For these reasons, the Court, after seeing articles 18, 188, 337A of Chapter 9 of the Laws Malta and article 32(1)(a) of Chapter 217 of the Laws of Malta, finds the accused guilty of the charges brought against him and condemns him to two (2) years imprisonment. However, in light of the considerations above-mentioned, this term of imprisonment is being suspended for a period of four (4) years from today, in terms of Article 28A(1) of Chapter 9 of the Laws of Malta, together with the imposition of a fine of twenty-three thousand, two hundred and ninety-three Euro and seventy-three cents (€23,293.73ċ), which fine, in terms of article 14 of Chapter 9 of the Laws of Malta, may be paid in instalments within two years from today, in the amount of nine hundred and seventy Euro and fifty seven cents (€970.57ċ) per month, the first payment being due on the 23rd of June 2025.

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

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