



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

**MAGISTRATE DR.
GABRIELLA VELLA**

Sitting of the 21 st February, 2012

Number 200/2012

**Police
(Inspector Jeanne Farrugia)**

vs

Oviahon Pedro

The Court,

After having seen the charges brought against Oviahon Pedro, twenty three (23) years of age, a Nigerian National born in Benin City on the 14th June 1988, son of Oviahon and Mary, holder of Police N° 08BBBB-078, of having:

1. On the 11th April 2009, escaped from a place of public custody, that is Safi Detention Centre;
2. And moreover for having in a date not known in April 2009, as a person landing or embarking in or from Malta, failed to be in possession of a passport and failed to

provide the Principal Immigration Officer the prescribed information and such other information that the Principal Immigration Officer may deem proper to require in terms of Section 28 of Chapter 217 of the Laws of Malta;

After having examined all documents submitted by the Prosecuting Officer and all the other records of the case, amongst which the consent by the Attorney General for these proceedings to be dealt with summarily;

After having heard the accused declare that he finds no objection to his case being dealt with summarily and plead that he is guilty of the charges brought against him, notwithstanding the fact that the Court in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him in the most solemn manner of the legal consequences of his guilty plea after having given him sufficient time within which to reconsider and withdraw his guilty plea;

After having heard submissions by the Prosecution and Defence Counsel regarding punishment and taken note of the fact that the Prosecution and Defence Counsel agree that in this case a suspended sentence would be an appropriate punishment to be imposed on the accused;

Considers:

In the light of the guilty plea submitted by the accused, the Court finds him guilty of the charges brought against him.

With regards to the punishment the Court took into account the particular circumstances of this case, the fact that the accused has a clean conviction sheet and that he submitted a guilty plea at an early stage of the proceedings.

After having considered Section 151 of Chapter 9 of the Laws of Malta and Sections 28 and 32(1)(g) of Chapter 217 of the Laws of Malta, whilst reiterating that it is finding the accused guilty of the charges brought against him, the Court condemns him to nine (9) months imprisonment however, since the Court is of the opinion

that there are sufficient reasons which warrant that the said term of imprisonment be suspended, in terms of Section 28A of Chapter 9 of the Laws of Malta, suspends the said term of nine (9) months imprisonment for a period of one (1) year from date of this judgment;

In terms of Section 28A(4) of Chapter 9 of the Laws of Malta the Court has explained to the accused in plain language his liability under Section 28B of Chapter 9 of the Laws of Malta if during the operational period he commits an offence punishable with imprisonment.

< Final Judgement >

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