



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

**MAGISTRATE DR.
NEVILLE CAMILLERI**

Sitting of the 29 th March, 2013

Number 287/2013

**The Police
(Inspector Robert Vella)**

vs.

Mohamed Haji Abdilwahid Nur

The Court,

After having seen the charges brought against **Mohamed Haji Abdilwahid Nur**, thirty four (34) years, son of Noor Haji Abdilwahid and Noor Haji Faclumo, born in Somalia on the 1st. January, 1979 and residing at Marsa Open Centre, Xatt il-Mollijiet, Marsa or Halfar Tent Centre, Halfar and holder of Identity Card number 36750A accused with having:

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1. on the 28th March, 2013 at about 5.00 in the evening, in Marsa, committed theft of money from inside a vehicle of make Ford Transit bearing registration number CAB-435 to the detriment of Dominic Andrew Spencer and/or other persons, which crime of theft is aggravated by the nature of the thing stolen, and this in breach of Articles 261(g) and 271(g) of Chapter 9 of the Laws of Malta;

2. on the same date, time, place and circumstances attacked and caused slight bodily harm on the person of Dominic Andrew Spencer as certified by Dr. Christopher Deguara MD (Reg No: 3033) from Floriana Health Centre, and this in breach of Article 221 of Chapter 9 of the Laws of Malta

3. on the same date, time, place being in possession of a knife or cutting or pointed instrument outside any premises or appurtenance without a license or permit from the Commissioner of Police, and this in breach of Article 6 of Chapter 480 of the Laws of Malta;

4. on the same date, time, place and circumstances in any manner not otherwise provided for in the Criminal Code, wilfully disturbed the public good order or the public peace, and this in breach of Article 338(dd) of Chapter 9 of the Laws of Malta;

5. committed an offence punishable with imprisonment during the operational period of a suspended sentence handed by the Court of Magistrates of Malta (Magt. Dr. F. Depasquale LL.D) on the 22nd January, 2013 which sentence is now absolute and cannot be changed, and this in breach of Article 28B of Chapter 9 of the Laws of Malta.

The Court was requested to regard the accused as being a recidivist according to Articles 49 and 50 of Chapter 9 of the Laws of Malta after he was sentenced for an offence by a judgment which has become absolute.

Having examined all the documents forming part of the proceedings.

Having heard the accused plead guilty to all 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.

Considers

That, as a consequence of the admission of the accused of the charges brought against him, the charges brought against the accused have been sufficiently proven.

With regards to the punishment to be inflicted against the accused, the Court will be taking into consideration various factors, including: the nature of the charges brought against the accused, the guilty plea at an early stage of these proceedings, the fact that the accused committed an offence punishable with imprisonment during the operational period of a suspended sentence and the fact that the accused is a recidivist.

Therefore, the Court, after having seen and considered Sections 28B(1), 49, 50, 221(1), 261(g), 271(g), 338(dd) of Chapter 9 of the Laws of Malta and Section 6 of Chapter 480 of the Laws of Malta, finds the accused guilty of all the charges brought against him and whilst bringing into effect the one (1) month imprisonment which was suspended for four (4) years, condemns the accused to another period of seventeen (17) months imprisonment, so that the accused is cumulatively condemned to a period of **eighteen (18) months imprisonment**.

The Court, whilst ordering the seizure of Doc. "RV 9", orders also, in terms of Section 392A of Chapter 9 of the Laws of Malta, that the records of this case and a copy of this judgement be transmitted to the Attorney General within the time period stipulated by Law.

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< Final Judgement >

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