



MALTA

**COURT OF MAGISTRATES (MALTA)  
AS A COURT OF CRIMINAL JUDICATURE  
MAGISTRATE DR.  
GABRIELLA VELLA**

Sitting of the 12 th February, 2015

Number 173/2015

**Police  
(Inspector Frankie Sammut)**

**Vs**

**Aleksandra Zivic**

**The Court,**

After having seen the charges brought against Aleksandra Zivic, thirty eight (38) years of age, a Serbian National, born in Serbia on the 18<sup>th</sup> September 1977, daughter of Nebojsa and Anđelka, residing at Emerald, Flat 1, Triq Giovanni Schranz, Msida, and holder of Passport Number No. 008395930, of having on the 10<sup>th</sup> February 2015 in these islands:-

1. Forged, altered or tampered with a passport, or used or had in her possession a passport, which she knew to be forged, altered or tampered with, in the name of Aleksandra Zivic bearing number 008395930 in violation of Section 5 of Chapter 61 of the Laws of Malta;
2. On the same date, time and circumstances committed any other kind of forgery, or having knowingly made use of any other forged document, in the mentioned documents in violation of Section 189 of Chapter 9 of the Laws of Malta;
3. On the same date, time and circumstances forged any document or true copy of a document or an entry made in pursuance of

this act in violation of Article 32 (1)(d) of Chapter 217 of the Laws of Malta;

After having examined all documents submitted in the records of these proceedings;

After having heard the accused declare that she does not object to her case being dealt with summarily and after having heard her plead guilty to the charges brought against her and this notwithstanding the fact that the Court in terms of Section 453(1) of Chapter 9 of the Laws of Malta, also warned her in the most solemn manner of the legal consequences of her guilty plea after having given her sufficient time within which to reconsider and withdraw her guilty plea;

After having heard submissions regarding punishment and after having considered the fact that the second charge brought against the accused is alternative to the first charge brought against her

**Considers:**

The accused is being charged of having on the 10<sup>th</sup> February 2015 in these islands: (1) Forged, altered or tampered with a passport, or used or had in her possession a passport, which she knew to be forged, altered or tampered with, in the name of Aleksandra Zivic bearing number 008395930 in violation of Section 5 of Chapter 61 of the Laws of Malta; (2) On the same date, time and circumstances committed any other kind of forgery, or having knowingly made use of any other forged document, in the mentioned documents in violation of Section 189 of Chapter 9 of the Laws of Malta; (3) On the same date, time and circumstances forged any document or true copy of a document or an entry made in pursuance of this act in violation of Article 32 (1)(d) of Chapter 217 of the Laws of Malta;

The accused pleaded guilty to all the charges brought against her and in view of said admission of guilt the Court finds her guilty of the first and the third charges brought against her but does not take further cognisance of the second charge brought against her since the said charge is alternative to the first charge brought against the accused.

In so far as concerns punishment the Court took into account the fact that the accused registered a guilty plea at an early stage of the proceedings and that he co-operated with the Police and provided them with useful information to solve other crimes.

Therefore after having considered Section 5 of Chapter 61 of the Laws of Malta and Section 32(1)(d) of Chapter 217 of the Laws of Malta, the Court reiterates that it is finding the accused guilty of the first and the third charges brought against her but does not take further cognizance of the second charge brought against her since it is alternative to the first charge brought against her, and condemns her to six (6) months imprisonment, however since the Court is of the opinion that in this case there are sufficient reasons which warrant the suspension of the said term of imprisonment, namely the early guilty plea registered by the accused and the fact that he co-operated with the Police and provided them with useful information to solve other crimes, in terms of Section 28A of Chapter 9 of the Laws of Malta suspends the said term of six (6) months imprisonment for a period of one (1) year from today.

In terms of Section 28A(4) of Chapter 9 of the Laws of Malta the Court 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 of this suspended sentence he commits an offence punishable with imprisonment.

**< Final Judgement >**

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