

COURT OF MAGISTRATES (MALTA)
As A COURT OF CRIMINAL JUDICATURE

MAGISTRATE DR. JOSETTE DEMICOLI LL.D

The Police
(Inspector Matthew Vella)

Vs

OMISSIS

Today 10th May 2017

The Court,

Having seen the charges against omissis,

Being charged with having, on these Islands, on the 13th April 2017 and in the preceding days and months, in various parts of Malta and outside Malta, by means of several acts committed by the accused, even if at different times, which acts constitute violations of the same provisions of the law;

1. For having, made part or belonged to an organisation referred to in Sub article [1] of Article 83A of Chapter 9 of the Laws of Malta;
2. For having, in Malta conspired with one or more persons in Malta or outside Malta for the purpose of committing any crime in Malta liable to the punishment of imprisonment, not being a crime in Malta under the Press Act;

Furthermore, the accused is being charged with having, on these Islands, on the 13th April 2017 and in the preceding days and weeks, in Malta, by means of several acts committed by the accused, even if at different times, which acts constitute violations of the same provisions of the law;

3. With having, 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 a gain of more than five thousand Euros [€5000] to the detriment of Bank of Valletta Limited;
4. With having, knowingly made use of any of the false acts, writings, instruments or documents mentioned in Article 184 of Chapter 9 of the Laws of Malta;
5. With having committed any other kind of forgery, or knowingly made use of any other forged document.

Furthermore, the accused is being charged with having, on these Islands, on the 13th April 2017 and in the preceding days and weeks,

in Malta, by means of several acts committed by the accused, even if at different times, which acts constitute violations of the same provisions of the law;

6. Without authorisation took possession of or makes use of any data, software or supporting documentation;
7. For having used another person's access code, password, username, electronic mail address or other means of access or identification information in a computer or in any manner infringed any security measure to gain access without authorization to the whole or to any part of an information system;
8. Without authorisation took possession of, damaged or destroyed a computer, computer system, computer network, or computer supplies used or intended to be used in a computer, computer system or computer network or impaired the operation of any of the aforesaid.

Furthermore, the accused is being charged with having, on these Islands, on the 13th April 2017 and in the preceding days and weeks, in Malta, by means of several acts committed by the accused, even if at different times, which acts constitute violations of the same provisions of the law;

9. For having wilfully committed any spoil, damage or injury to upon any movable or immovable property belonging to any other person;

Furthermore, the accused is being charged with having, on these Islands, on the 13th April 2017 and in the preceding days and weeks, in Malta, by means of several acts committed by the accused, even if

at different times, which acts constitute violations of the same provisions of the law;

10 For having committed theft of cash from several ATMs of Bank of Valletta situated in various areas, of which is aggravated by value that exceeds the sum of €232.94, as well as by time;

11 The Court is hereby kindly requested to apply *mutatis mutandis* the provisions of Article 5 of the Money Laundering Act, Chapter 373 of the Laws of Malta, as per Section 23A (2) of Chapter 9 of the Laws of Malta.

The Court is also hereby kindly requested that in case of a finding of guilt of the accused, apart from inflicting the punishment prescribed at Law, also orders the forfeiture of all the objects exhibited in these proceedings.

The Court is also hereby kindly requested that, in pronouncing judgment or in any subsequent order, sentence the person/s convicted, to the payment, wholly or in part, to the Registrar, of the costs incurred in connection with the employment in the proceedings of any expert or referee, within such period and in such amount as shall be determined in the judgment or order, as per Section 533 of Chapter 9 of the Laws of Malta.

Having heard the accused admit to the charges brought against him and re-confirm his guilty plea after being given sufficient time to reconsider his position.

Having heard final submissions.

Having seen the acts and documents of this case.

Considers:

The accused has admitted to the charges proffered against him and thus the charges have been sufficiently proven.

With regards to the punishment to be meted out the Court is taking into consideration the serious nature of the crimes the accused is being found guilty of, the circumstances of the case and his clean record sheet.

Thus for these reasons, the Court after having seen articles 18, 20, 48A, 83A(1)(2) and (5), 184, 185, 189, 261(c)(f), 279(a), 280(1), 308, 309, 310(1)(a), 325(1)(d), 337C(1)(f) and (i), 337D(b) of Chapter 9 of the Laws of Malta, upon admission finds the accused guilty of the charges proffered against him and condemns him to seven (7) years imprisonment.

Moreover, by virtue of article 533 of Chapter 9 of the Laws of Malta Mehmedov Metin is being condemned to pay the amount of eight thousand and one hundred and fourthly four and forty-one cents (€8,144.40) to the Registrar representing expenses related to the costs incurred with the employment of experts. If such amount or part of it is not paid the remaining balance will be converted to imprisonment in accordance with the law.

The Court also orders the forfeiture of all the objects exhibited in these proceedings.

The Court abstains from taking further cognizance of the request put forward by the Prosecution to apply article 5 of Chapter 373 as per Section 23A(2) of Chapter 9 of the Laws of Malta.

The Court orders that this judgment and the acts be sent to the Attorney General in terms of the law.

Dr Josette Demicoli LL.D
Magistrate