

**Court of Magistrates (Malta)
As A Court of Criminal Judicature**

Magistrate Dr. Claire L. Stafrace Zammit B.A. LL.D.

**The Police
[Inspector Spiridione Zammit]
[Inspector Stacy Attard]**

vs

Ahmed Ali Abdiweli

Case Number: 454/2018

Today, the 2nd of October, 2018

The Court,

Having seen that the accused Ahmed Ali Abdiweli holder of Police Number 13U-083

1. Was accused for having on the 21st July, 2018, at about 10:30am and/or time after at Silver Moon Shop situated at Qormi Road Marsa and/or in the whereabouts thereof and beyond , in these Islands, without a lawful order from the competent

authorities and saving the cases where the law authorizes private individuals to apprehend offenders, arrested, detained or confined Ledyi Dayana Velasco against her will which said crime is committed with the object of extorting money or effects, or of compelling any other person to agree to any transfer of property belonging to such person, and for the purpose of forcing another person to do or to omit an act, which, if voluntarily done or omitted, would be a crime.

2. Also accused with having under same circumstances committed theft of €50, a mobile Samsung and/or other items which case was aggravated by violence which said crime was accompanied with confinement of the person, or with a written or verbal threat to kill, or to inflict a bodily harm with theft is the detriment of Ledyi Dayana Velasco, Carmel Schembri and/or other persons.

3. Also accused with having under same circumstances verbally threatened Ledyi Dayana Velasco where such threat, be it even verbal, contained an order, or imposed a condition.

4. Also accused him with having under same circumstances without inflicting any wound or blow, threatened Ledy Dayana Velasco with hard substances.

5. Also accused him with having under circumstances attempted to use force against Ledy Dayana Velasco with intent to insult, annoy or hurt such person or others, unless the fact constitutes some other offence under any other provision of Chapter 9 of the Criminal Code.

6. And also with having been recidivist in terms of Articles 49, 50 and 289 of Chapter 9 of the Laws of Malta and this by judgement of the Court of Magistrates dated 26.04.2018 (Magistrate Dr Audrey Demicoli).

Also in case of guilt Court was requested to affect Art 412C in favour of Ledy Dayana Velasco.

Also in case of guilt, Court was requested to affect art 383, 384 in favour of Ledy Dayana Velasco.

Seen his examination whereby he pleaded guilty to all the charges brought against him;

Seen that this Court granted bail to the accused on the thirtieth (30th) July of the year two thousand and eighteen (2018) whereby such decree was overturned by the Criminal Court on the sixth (6th) of August of the same year;

Seen that in the interim the accused was brought to Mount Carmel Hospital where he was also being assessed by Probation Officer Matthew Fleri Soler who had been appointed by this Court to monitor the accused a Provisional Order of Supervision;

Heard testimony of Matthew Fleri Soler dated the tenth (10th) of September of the year two thousand and eighteen (2018) whereby he identified various issues of concern. He pointed out that the accused presented an aggressive attitude even towards people who were willing to help him. Also accused presented self-harm marks on his fore-arm.

Also heard Psychiatrist Dr. Claire Axiag under oath whereby she stated that she has been visiting the accused at Mount Carmel and at the Forensic Ward of the same hospital whereby she explained that although the accused does not suffer from any mental illness, thus he still threatens self-harm and is still suffering from an anti-social behaviour. This lead to Profs. David Mamo to prescribe medication called *olanzapine* and therefore it would be beneficial for the accused to keep such treatment;

Having seen that accused is also charged with being recidivist;

Having seen also that the accused has no member of the family present in Malta and that he would benefit from help from professional people who can help him find his position in society. On this basis this Court is not going to impose any effective imprisonment but the punishment will be based on reparation and treatment.

On the above basis and upon seeing Articles 49, 50 of Chapter 9 of the Laws of Malta, this Court finds the accused Ahmed Ali Abdiweli guilty of all the charges brought against him upon

admission and by virtue of Article 7 of Chapter 446 and Article 412D of Chapter 9 of the Laws of Malta condemns him to a Treatment Order for a period of one (1) year.

Finally, explained in simple words to the accused, the repercussions if such order is not complied with, and sends a copy of the attached Treatment Order to the Director of Probation Services and Parole.

Ft./Dr. Claire L. Stafrace Zammit B.A. LL.D.
Magistrate

Benjamina Mifsud
Deputy Registrar