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MALTA

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

**MAGISTRATE DR.
CAROL PERALTA**

Sitting of the 26th May, 2003

Number 637/2000

**THE POLICE
INSPECTOR ALEXANDER PAUL MIRUZZI
INSPECTOR NEVILLE XUEREB**

VS

HENRY JOHN XUEREB.

Today 26th May 2003.

The Court;

After having seen the charges against Henry John Xuereb aged 40 years, son of the late Lawrence and Mary nee' Dalli born at Rahal Gdid on the 19th April 1963 and residing at 'Sayonara', Triq iz-Zebbuga, Gudja and holder of I.D. No. 257963(M);

For having on the 8th September, 2000 and during the previous weeks before this date committed several thefts from various localities in Malta to the detriment of various entities and individuals, amongst other of HSBC (Malta) Bank, Bank of Valletta p.l.c. and Alfred Aquilina. These series of thefts are aggravated by the amount stolen which accedes one thousand maltese liri (Lm1000);

Also during the same period, and in the same circumstances for having knowingly received or purchased any property which has been stolen, misapplied or obtained by means of an offence, or knowingly took part in any manner whatsoever, in the sale of disposal of the same in violation section 334 of Chapter 9 Criminal Code of the Laws of Malta;

Also that during the same period and in the same circumstances, by means of any unlawful practice, or by the use of fictitious names, or the assumption of any false designation, or by means of any other deceit, device or pretences 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, shall make any gain to the prejudice of other persons in violation of Section 308 of the Criminal Code Chapter 9 of the Laws of Malta;

Also that during the same period and in the same circumstances, made to the prejudice of other individuals and entities, any other fraudulent gain not specified in the preceding sections of the sub-title (Title IX of Subtitle III) in violation of Section 309 of Chapter 9 – Criminal Code of the Laws of Malta;

Also that during the same period and in the same circumstances, forged any schedule, ticket, order or other document whatsoever, upon the presentation of which any payment was obtained, or the delivery of goods effected or a bank of pledge withdrawn from any public office or from any bank or other public institution established by the Government, or recognized by any public act of the Government, in violation of Section 167 of Chapter 9 Criminal Code of the Laws of Malta;

Also that during the same period and in the same circumstances, have knowingly made use of any instruments specified in the sections 166, 167, 168. This is in violation of Section 169 of Chapter 9 of the Criminal Code Laws of Malta;

Also that during the same period and in the same circumstances have committed forgery of any authentic and public instruments or of any commercial document or private bank document, by counterfeiting or altering the writing or signature, by feigning any fictitious agreement, disposition, obligation or discharge, or by the insertion of any such agreement, disposition, obligation or discharge in any of the said instruments of documents after the formation thereof, or by any addition to or alteration of any clause, declaration or fact which such instruments or documents were intended to contain or prove. This is in

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violation of section 183 of the Criminal Code Chapter 9 of the Laws of Malta.

Also, during the same period and in the same circumstances have knowingly made use of any false acts, writings, instruments or documents mentioned in the section preceding section 184, and this in violation of section 184 of chapter 9 of the Criminal Code of the Laws of Malta;

Also that during the same period and in the same circumstances have knowingly made use of any document mentioned in Section 185 and this in violation of Section 186 of Chapter 9 of the Criminal Code Laws of Malta;

Also, that during the same period and in the same circumstances by any of the means specified in section 179 committed forgery of any private writing tending to cause injury to any person or to procure gain. This in violation of Section 187 of Chapter 9 of the Criminal Code of the Laws of Malta.

Also, that during the same period and in the same circumstances, committed any other kinds of forgery, or knowingly made use of any forged document, not provided in the preceding sections of this Title and this in violation of Section 189 of Chapter 9 of the Laws of Malta Criminal Code.

Also, that on the same date and in different localities in the Maltese Islands, have been in the possession of the drug Heroin which is specified under the First Schedule of the Drugs Ordinance – Chapter 101 of the Laws of Malta

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when you were not in possession of the authorisation to import or export such drug from the Chief Government Medical Officer upon the disposition listed to manufacture or supply the said drug and was not by any other means licensed by the President of Malta to have the said drug in your possession and also have failed to prove that the said drug was supplied to him against medical advice or instruction as outlined in the regulations and this infringes Regulation Number 8 of the Regulations of 1939 about the internal control of dangerous drugs (G.N, 292 1939) and their subsequent amendments. This in violation of Chapter 101- Drugs Ordinance of the Laws of Malta.

And also with having committed several acts, even if at different times, which however constitute violations of the same provision of the law and were committed in pursuance of the same design. This in violation of Section 18 Chapter 9 Criminal Code Laws of Malta.

Having seen the admission of the accused;

Having seen Articles 261, 334, 308, 309, 167, 169, 183, 184, 185, 186, 179, 187, 189 of Chapter 9 of the Laws of Malta, Chapter 101 of the Drug Act;

Considers;

That the voluntarily and unconditional admission of the accused to the charges brought against him by the Prosecution, leaves this Court with no other alternative but to find the accused guilty as charged.

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With regard to punishment, the Court, having taken into consideration the circumstances of the case, has no reason as to why this accused should be treated differently from the co-accused Cezar Gheorghe Hurmuz.

Therefore, whilst the Court is sentencing the accused to a period of imprisonment for the term of two (2) years from today, in terms of Articles 28A of Chapter 9 of the Laws of Malta, declares that the said period not to be performed unless in the period of two (2) years from today the said accused is charged and found guilty for offence which carries a prison sentence in itself.

Furthermore the Court is ordering that the fees incurred by the Court Experts, be paid by the same accused.

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