



MALTA

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

**MAGISTRATE DR.
CONSUELO-PILAR SCERRI HERRERA**

Sitting of the 1 st November, 2003

Number 938/2003

**The Police
Inspector Joseph Mercieca
V**

DENNIS TAYLOR BUCHAN

The Court

Having seen that the accused **DENNIS TAYLOR BUCHAN** aged 39 son of Dennis and Linda nee Roberts, born in Blairgowrie, Perthshire, Scotland on the 22nd December 1964 and residing at Tweety Flats, Flat 9, Mosta Road, St. Paul's Bay, was arraigned before her accused with having in these Islands on the 31st October 2003 and during the last four years:

- a. forged, altered or tampered with, used or had in his possession a United Kingdom passport number

037316428 in the name of Vincent Paul Storey which he knew to be forged, altered or tampered;

b. for knowingly made a false statement in any application or recommendation in connection with the issue of United Kingdom passport number 037316428 in the name of Vincent Paul Storey;

c. for having made a false statement or gave false information or produced false documents for the purposes of Chapter 258 of the Laws of Malta knowing that the same were false;

d. for knowingly made use of any false acts, writings, instruments or documents;

e. in order to gain any advantage or benefit for himself or others in any document intended for any public authority, knowingly made a false declaration or statement or gave false information;

The Court was also requested to order the accused to pay the expenses incurred by the Court appointed experts in terms of Section 533 of Chapter 9 of the Laws of Malta.

Having heard the accused plead guilty when the examination in chief was made to the accused in terms of section 390 (1) of Chapter 9 of the Laws of Malta.

Having cautioned the accused in the most solemn manner with regards to the legal consequences ensuing from his guilty declaration and having given the same accused time to reconsider his guilty plea, the accused insisted on registering a guilty plea as in fact was registered in the acts of these proceedings on the 1st November 2003 as can be evidenced from the examination carried out in terms of section 370(1) and 392 of Chapter 9.

Having been assured the accused understood the nature of the accusations brought forward against him had no alternative but to find him guilty of such charges.

The Court before proceeding to pronounce judgment, as was its duty to do, heard the Prosecution and the Defense lawyer make their submissions regarding the punishment to be given to the accused.

Having considered that the accused is a first time offender as it does not transpire from the acts of these proceedings that he has been convicted of any other crime whilst he was living in Malta during the last four years.

Having seen that the accused co-operated fully with the Prosecution as could be evidence by the declaration made by the Prosecution in today's sitting of the 1st November 2003.

Having seen that the accused admitted all charges brought forward against him during the first opportunity given to him.

Having seen that no persons suffered any monetary hardship.

Thus, under the above mentioned circumstances, the Court feels that it could go beyond the minimum prescribed by law in awarding punishment in terms of Section 21 of Chapter 9 of the Laws of Malta.

Having seen the relevant sections at law in particular Sections 5 and 6 of Chapter 61, section 14 of Chapter 258, sections 183, 188 and 533 of Chapter 9 of the Laws of Malta.

Consequently declares that it finds the accused **DENNIS TAYLOR BUCHAN** guilty of the charges brought forward against him on his own admission and condemns him to a period of imprisonment of six months.

The Court noted that in these proceedings no court expert was appointed thus there are no expenses which should be borne by the accused and thus the request in terms of Section 533 of Chapter 9 of the Laws of Malta is not being upheld.

The Court orders that, in accordance with section 401(3) of Chapter 9 of the Laws of Malta, a copy of this judgment and a copy of the acts of these

Informal Copy of Judgement

**proceedings should be sent to the Attorney General
within the times prescribed by law.**

< Final Judgement >

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