



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

**MAGISTRATE
ANTONIO GIOVANNI VELLA**

Sitting of the 11 th November, 2009

Number 1188/2009

**POLICE
INSPECTOR JOSEPH HERSEY**

VS

DODI BRIGHT

The Court;

After seeing the charges brought against:

Dodi Bright, 24 years, son of Martin and Alicia, born in Ghana on the 3rd of February 1985, holder of Ghanaian Passport number H1537910;

For Having;

1) On the 10th November, 2009, and in the previous days in Malta, with the intention of gain, helped, assisted,

given advice or incited other people to attempt to enter or leave Malta against the Laws of Malta, or whether in Malta or outside Malta conspired with other people and this in breach of Article 337A of Chapter 9 of the Laws of Malta;

2) Moreover he is also charged with under circumstances in these islands, associated himself together with other persons in Malta or outside Malta (Article 337A Chapter 9 if Laws of Malta) for which is punishable by imprisonment, and this in violation of Article 48 A of Chapter 9 of the Laws of Malta;

Considers:

After having seen the Articles 337A of Chapter 9 and 48 A of Chapter 9 of the Laws of Malta;

After having heard the evidence and the documents exhibited;

After having seen the accused admit the charges brought against him, which admission was confirmed by him after having been given due time to reconsider in accordance with the law;

In view of the accused filing a plea of guilty at the earliest stages in the proceedings, this Court can thus transform itself from one of Criminal Inquiry to one of Criminal Judicature, and can therefore pass judgement summarily on the accused.

Dodi Bright is being charged with assisting a person to leave Malta in an unlawful manner, as well as having conspired with others to commit a crime in Malta. To these charges, Mr Bright is pleading guilty, a plea which he is confirming after being given due time according to law to reconsider his plea. This plea is also corroborated by the accused's statement given voluntarily by him, and in Court he appeared to understand fully the implications and consequences behind his actions. In this respect he

was ably represented by defence counsel for legal aid, who also explained to him what the consequences of his entering a guilty plea would be. In view of these events, the Court must necessarily find him guilty of the charges brought against him, and will therefore proceed to pass judgement on him accordingly.

As regards punishment, the Court is aware that the accused has a clean conduct certificate, and has entered a guilty plea at the earliest possible stage in these proceedings. Moreover, the prosecution informed the Court that he assisted the police in their investigations on this crime and other related incidents, and therefore he merits a significant degree of leniency in his judgement. However, the provisions of Article 337A make it clear that the punishment must be effective imprisonment – or that of a pecuniary fine, for that matter, but the Court of Criminal Appeal has made it amply clear in its judgements on crimes of infringements of border control that such crimes must be punished by effective imprisonment, to reflect the gravity of the crime – since that same Article excludes the possibility of applying either a provision of Chapter 446 of the laws of Malta or a suspended prison sentence, nor does it allow the Court to award a punishment below the minimum prescribed by law. In view of these considerations, the Court will sentence the accused to a term of one year's imprisonment.

Now, therefore, for the above reasons;

After having heard the accused's plea and after having given the time prescribed by Law for the accused to consider his plea, this Court finds the said accused guilty as charged and condemns him to a term of one (1) year imprisonment.

The Court explained in clear words the terms of the judgement to the accused.

Informal Copy of Judgement

< Final Judgement >

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