



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

**MAGISTRATE DR.
GABRIELLA VELLA**

Sitting of the 14 th February, 2010

Number 111/2010

**Police
(Inspector Chris Pullicino
Inspector Anne Marie Micallef)**

Vs.

Simon Stefan Nilsson

The Court,

Having seen the charges brought against Simon Stefan Nilsson, son of Torbjorn and Anita neè Melkersson, aged twenty three (23) years, born in Sweden on the 7th March 1986 and residing at "Wilton Place" No. 7, Graham Street, Sliema, holder of Swedish Passport Number 56541898, that:

(i) On the 13th February 2010 at about 1315hrs whilst at Sliema, fraudulently caused a fact or

circumstance to exist, or to appear to exist, in order that such fact or circumstance may afterwards be proved in evidence against another person, with intent to procure such other person to be unjustly charged with, or convicted of, any offence;

(ii) Also for having on the same date, time and circumstances, reported before the Executive Police an information regarding an offence knowing that such offence has not been committed, or shall falsely devise the traces of an offence in such a manner that criminal proceedings may be instituted for the ascertainment of such offence.

Having heard the evidence and examined all documents forming part of the proceedings;

Having heard the accused plead guilty to all the charges brought against him, notwithstanding the fact that the Court in terms of Section 453(1) of Chapter 9 of the Laws of Malta warned him in the most solemn manner of the legal consequences of his guilty plea after having given him sufficient time within which to reconsider and withdraw his guilty plea;

Having heard the admission of the accused to all the charges brought against him, the Court has no alternative but to find him guilty of all the said charges;

With regards to the punishment the Court took into consideration the fact that the incident forming the merits of these proceedings was an isolated incident, that the accused admitted with the Police at an early stage of the investigations that the incident reported by him did not occur in the exact manner as originally reported and that the accused submitted a guilty plea at an early stage of the proceedings. However it also took into account the fact that for the safeguard of society one is to be aware of what reports are lodged with the Police against third parties;

After having seen and considered Section 110 (1) & (2) and Section 104 of Chapter 9 of the Laws of Malta, finds

the accused guilty of all charges brought against him, but since in this case there subsist the reasons set out in Article 7(2) of Chapter 446 of the Laws of Malta and in the opinion of the Court having regard to the circumstances of the case, including the nature of the charges brought against the accused and the character of the accused as transpired during the hearing of the case, it is not expedient to inflict punishment and a probation order or a community service order or a combination of both is not appropriate, in terms of Section 22 of said Chapter 446 of the Laws of Malta the Court is conditionally discharging the accused subject to the condition that he does not commit another offence within a period of three (3) years from date of this judgement.

In terms of Section 22(3) of Chapter 446 of the Laws of Malta the Court explained to the accused in ordinary language that if he commits another offence during the said period of three (3) years from date of this judgement, he will be liable to be sentenced for the original offence.

In terms of Section 109 of Chapter 9 of the Laws of Malta the Court is also ordering the general interdiction of the accused, as well as the interdiction from acting as witness, except in a Court of Law, or from acting as referee in any case whatsoever, for a period of one (1) year from date of this judgement.

In terms of Section 10(7) of Chapter 9 of the Laws of Malta the Court is ordering that this judgement be published in the Government Gazette at the expense of the accused.

The Court orders that in terms of Section 392A of Chapter 9 of the Laws of Malta the records of this case and a copy of this judgement be transmitted to the Attorney General within the time periods stipulated by Law.

< Final Judgement >

Informal Copy of Judgement

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