



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

**MAGISTRATE DR.
JACQUELINE PADOVANI**

Sitting of the 1 st December, 2010

Number 1290/2010

**POLICE
INSPECTOR MARIO HABER
VS
ASIED OFORI**

The Court,

Having seen the charges brought against the accused Asied Ofori, Togolese, National born in Lumer, Togo on the 1st January 1990, son of Ofori and Elizabeth Odonitor, known with Police number 07MM-026.

And charged him with having on the 30th November 2010 in these islands forged, altered or tampered with a Passport and ID card which he knew to be forged, altered or tampered with, in the name of Jackson Nsiah Donkor bearing numbers H2195358 and E12839006 respectively (Chap.61, Sec.5 of Laws of Malta);

Informal Copy of Judgement

And charged also with having on same date, time and circumstances committed any other kind of forgery, or have knowingly made use of any other forged document, in the mentioned documents (Chap.9, Sec.189 of the Laws of Malta);

And charged also with having on the same date, time and circumstances forged any document or true copy of a document or an entry made in pursuance of this act (Chap.217, Sec.32 (1d) of the Laws of Malta).

Therefore the Court is humbly requested to investigate the case according to Law;

Having heard the evidence tendered on oath;

Having seen the record of the proceedings;

Having heard the plea of guilt registered by the accused

Having heard the confirmation of the plea of guilt, after that the Court accorded a reasonable time for reconsideration.

Having heard the oral submissions

Deliberates:

On the strength of the registration of a guilty plea by the accused, the Court finds the accused **Asied Ofori** guilty as charged and after having seen Articles 28 A and 189 of Chapter 9, of the laws of Malta and Article 5 Chapter 61 and Article 32(1)(d) of Chapter 217 of the Laws of Malta condemns the accused' **Asied Ofori** to seven (7) months imprisonment suspended for two years.

The Court explained the consequences of a suspended Sentence to the accused in a manner to ensure that they fully understood the repercussions thereof.

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This punishment was awarded after the Court took in to consideration the fact that the accused were a first offender, that he registered a guilty plea in the early stages of the proceeding and in view of all the circumstances of the case. In these circumstances the Maltese Courts do not ordinarily inflict imprisonment as the punishment due, but rather award an alternative punishment. Punishment of incarceration in this case, in the light of all the circumstances, may be interpreted as discriminatory on the basis of status, race and colour of the accused, discrimination which may in no way be inflicted by a Court of Law.

< Final Judgement >

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