



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

**MAGISTRATE DR.
IAN FARRUGIA**

Sitting of the 18 th November, 2013

Number 1139/2013

**The Police
(Inspector Mario Haber)
Vs
Dawit Medhane Gabre**

The Court,

Having seen the charges brought against Dawit Medhane Gabre, 27 years, Eritrean National born in Halay, Eritrea on the 2nd December 1985, son of Medhane and Nithati, known with Police No. 12O-051.

Accused of having on the 17th November 2013 in these islands forged, altered or tampered with an Alien Passport, ID card and Residence Permit Card or used or had in his possession an Alien Passport, ID card and Residence Permit Card which he knew to be forged, altered or tampered with, in the name of Abdul Tekle

Informal Copy of Judgement

Asmerom bearing numbers 060122, AR2723747 and L445004 respectively (Cap 61, Sec 5 of the Laws of Malta).

And charge him 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 (Cap 9, Sec 189 of the Laws of Malta).

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

And charge him also with having become recidivist by committing another crime within five years of a sentence of the 31st December 2012 (Magt. Dr. Edwina Grima LLD) and of the 10th June 2013 (Magt. Dr. Saviour Demicoli LLD) which became definitive. (Cap 9, Sec 49, 50 of the Laws of Malta).

Having seen all the documents exhibited in the acts of these proceedings;

Having heard accused plead guilty to the charges brought against him during today's arraignment and his insistence on such guilty plea after being given time according to law to reconsider;

Having heard prosecuting officer on oath;

Having seen the minutes of today's hearing;

Having heard submissions by the prosecution and the defence;

Considers;

That in view of the accused's guilty plea to all charges proffered against him, and since there is no reason emanating from these proceedings why this Court should

not accept such plea, it is the duty of this Court to proceed with judgement and declare the accused guilty as charged.

In terms of punishment, this Court is taking into particular consideration the fact that the accused pleaded guilty at the earliest possible opportunity in these proceedings, the hardships which the irregular immigrants face in the particular circumstances of their lives and, last but not least, the fact that the accused is a recidivist having been condemned to a suspended sentence for breach of the dispositions of law in Chapters 61 and 217 of the Laws of Malta and subsequently condemned to an effective prison term for causing grievous bodily harm. In view of the above, it is this Court's opinion that, having regard to all the circumstances of the case, the nature of the offences and the character of the accused, it is expedient to inflict an effective prison term.

THEREFORE, THE COURT, having seen Article 5 of Chapter 61, Article 32(1)(d) of Chapter 217 and Articles 189, 17, 49 and 50 of Chapter 9 the Laws of Malta, finds and declares offender Dawit Medhane Gabre guilty as charged and condemns him for a term of imprisonment of one (1) year.

< Final Judgement >

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