



MALTA

COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE
AARON BUGEJA

Sitting of the 15 th December, 2014

Number. 1229/2014

The Police

(Inspector Darren Buhagiar)

vs

Marildo Tafciu

The Court after seeing the charges in respect of Marildo Tafciu, 18 years of age, of Albanian nationality, son of Mahir and Alida, Born in Albania on the 8th November 1996 and residing at Mreze Fushe, Tirana, Albania, holder of Albanian identity card number J61108007B where by he was charged with having

- a. On the 14th December 2014 or during the previous days in these islands or elsewhere, forged, altered, or tampered with an Italian identity card bearing number AV5536452 issued in the name of Marco Tanella or used or had in his possession of the same forged Italian document, which he knew to be forged, altered or tampered with (Section 5, Chapter 61 of the Laws of Malta);
- b. On the same date, time and circumstances committed any other kind of forgery or having knowingly made use of any other forged document, in the mentioned documents (Section 189 of Chapter 189 of the Laws of Malta);
- c. On the same date, time and circumstances committed forged any document or true copy of a document or an entry made in pursuance of Chapter 217 of the Laws of Malta (Section 32(1)(d) of Chapter 217 of the Laws of Malta).

Having seen that during the examination of the accused in terms of Article 392 and 370(4) of the Criminal Code the accused declared that he found no objection to his case being dealt with summarily;

Having also seen that the Attorney General declared by means of a note exhibited at fol 3 that he granted his consent to this case being dealt with summarily;

Having seen that the accused, in reply to the question posed in terms of Article 392(1)(b) of the Criminal Code by the Court declared that he was guilty as charged.

The Court, in view of this declaration warned the accused in the most solemn manner about the consequences arising out of his guilty plea and

granted him a reasonable time in order for him to retract this guilty plea. After that the Court granted this time to the accused, and after consulting with his legal counsel, the accused reiterated that he is guilty as charged.

In view of this declaration, duly reiterated, the Court had no option but to find the accused guilty as charged.

Having seen the records of the proceedings as well as the criminal record sheet of the accused.

Having heard the final oral submissions of the Prosecuting Officer and of the Legal Counsel to the accused.

Decide :-

Consequently, this Court, after having seen Section 5 of Chapter 61 of the Laws of Malta, Article 189 of Chapter 9 of the Laws of Malta and Article 32(1)(d) of Chapter 217 of the Laws of Malta, finds the accused upon his unconditional guilty plea, guilty as charged and condemns him to twelve months imprisonment; however having seen Article 28A of the Criminal Code it orders that the said sentence shall not take effect unless, during a period of three years from the date of this order, the offender commits another offence punishable with imprisonment and thereafter the competent court so orders under Article 28B of the Criminal Code that the original sentence shall take effect.

In terms of Article 28A(4) of the Criminal Code, the Court declares and explains in ordinary language to the accused his liability in terms of Article 28B of the Criminal Code if during the operational period he commits an offence punishable with imprisonment.

The Court orders also that the confiscation of the corpus delicti.

Delivered today the 15th December 2014 at the Courts of Justice in Valletta, Malta.

< Final Judgement >

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