



**MALTA**

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

**MAGISTRATE DR IAN FARRUGIA LL.D**

**Today 4<sup>th</sup> September 2016**

**The Police  
(Inspector Mark A. Mercieca)**

**Vs**

***Susan Andrei***

**The Court;**

Having seen the charges brought against **Susan Andrei** 22 years of age son of Petru and Vasilica born in Romania on the 01/11/1993 and has no address in Malta, and no documents, accused with having :

1. On the 3rd September 2016 at around mid day (1200hrs) committed theft of clothes from 'Addidas' at Tigne Point, Sliema which theft is aggravated by means to the detriment of 'Peresso Group LTD' or any other entity or person.
2. On the 29th January 2016 at around 1530hrs committed theft of clothes from 'Zahra', Ix-Xatt, Sliema which theft is aggravated by means and by amount which exceeds euro 232.94 but does not exceeds the amount of euro 2329.37 to the detriment of Zahra establishment, or any other entity or person.

Having heard prosecuting officer on oath;

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 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 the charges proffered against him, and since there is no reason emanating from these proceedings why this Court should not accept such plea, and after examining the statement released by the accused yesterday the 3<sup>rd</sup> day of September 2016, it is the duty of this Court to proceed with judgement and declare the accused guilty as charged.

In the context of punishment or sanction to be meted out to the accused, the Court is taking into consideration the following resulting factors, mainly (1) that the accused cooperated with the police and immediately admitted to the theft committed on the 3<sup>rd</sup> September 2016, and to another aggravated theft committed on the 29<sup>th</sup> of January 2016, during his interrogation, and (2) that the accused pleaded guilty to the charges at the earliest opportunity in these proceedings.

However, in this same context, this Court is giving substantial weight to other equally important and resulting factors, mainly (a) that, as it clearly transpires from the accused's statement to the police, he was in Malta without employment and without a fixed address. He claims that he has lost his passport. And that he was stealing for money. And (b), that although the accused cooperated with the police, and admitted to the charges during today's sitting, the fact remains that he had no other alternative to behave in this way given that he was actually apprehended red-handed.

Any theft, committed by any person, must be severely addressed by the authorities, including the Courts. However, it is this Court's opinion that thefts, similar if not identical to the ones with which the accused is being charged, are on the increase and have become a phenomenon. And consequently, the punishment must be one which conveys a clear and unequivocal message.

**THEREFORE, THE COURT, HAVING SEEN ARTICLES 17, 31, 261(B)(C), 263, 267, AND 278(1)(2) OF CHAPTER 9 OF THE LAWS OF MALTA, FINDS AND DECLARES OFFENDER ANDREI SUSAN GUILTY OF THE CHARGES AS BROUGHT AGAINST HIM AND CONDEMNNS HIM TO A TERM OF IMPRISONMENT OF TWELVE (12) MONTHS.**

Dr Ian Farrugia LL.D  
Magistrate

Marica Mifsud  
Deputy Registrar