



MALTA

**IN THE COURT OF MAGISTRATES (MALTA)
AS COURT OF CRIMINAL JUDICATURE**

**MAGISTRATE
DR. CHARMAINE GALEA**

Today 13th October 2016

Case number 537/16

**The Police
(Inspector Nicholas Vella)**

vs.

**Gianluca Calo` (ID: 149486A)
Elodie Moriceau (French Driving License 15AR65894)**

The Court,

Having seen that the offenders **Gianluca Calo`** and **Elodie Moriceau** was charged with having on the 11th October 2016 at around 1300hrs in Mgarr, Malta wilfully committed any spoil, damage or injury to or upon any movable or immovable property to the detriment of Valerie Vella and/or other person at Mgarr Pharmacy, Triq Vitale, Mgarr. (Art.325 of Chapter 9)

On the same date, time, place and circumstances, committed theft of the sum of 800 Euro to the detriment of Valerie Vella and/or other persons, which theft is

aggravated by value of more than 232.94 Euro but less than 2329.37 Euro, and by the means. (Art.262, 264, 267 of Chapter 9)

After seeing all the records of the case, including the consent of the Attorney General for the case to be dealt with summarily, and having heard the offenders declare that they have no objection that the case be dealt with summarily;

After having the offenders plead guilty to the charges at an early stage of the proceedings, which guilty plea was confirmed by the same offenders after the Court, in terms of section 453 (1) of Chapter 9 of the Laws of Malta, warned them of the legal consequences of that guilty plea, and allowed them sufficient time to re-consider their reply, and to change it;

After having the oral submissions on the punishment;

Considered that:

From the evidence brought forward and from the guilty plea registered by the offenders themselves, the Court concludes that the offenders are guilty of the charges laid against them.

As regards the punishment, the Court took into consideration the fact that the offenders admitted to the charges at a very early stage of the proceedings, that they co-operated with the police, and their clean conviction sheet.

For these reasons the Court after having seen sections 17 (h), 262, 264, 267 and 325 of the Criminal Code on their admission finds offenders **Gianluca Calo` and Elodie Moriceau** guilty of the charges brought against them and condemns them to one (1) year imprisonment each which by application of section 28A (1) of Chapter 9 are being suspended for a period of three (3) years from today.

In terms of section 28H (1) of Chapter 9 of the Laws of Malta, the Court is also ordering the offenders jointly and severally to pay injured party Valerie Vella the sum of nine hundred and fifty nine euro and thirty cents (€959.30) within six (6) months from today.

In accordance with sections 28A (4) and 28H (7) of Chapter 9 of the Laws of Malta, the Court explained in clear and simple language the meaning of this judgement to the offenders, and the consequences which would follow if they fails to abide by it, that is if they commit another offence which is punishable by imprisonment within the operative period, and/or if they fail to pay the injured party the amount prescribed above within the time limit stipulated above.

Dr. Charmaine Galea
Magistrate

Diane Gatt
Deputy Registrar