



IN THE COURT OF MAGISTRATES (MALTA)
As A Court of Criminal Judicature

MAGISTRATE
DR. CAROLINE FARRUGIA FREUDO
B.A. (Legal and Humanistic Studies), LL.D.,
M.Juris (International Law), Dip. Trib. Eccl. Melit.

Case number: 563/2016 CFF

Il-Pulizija
(Spettur Daryl Borg)
vs
Elenka Staneva

Today 21st November, 2016

The Court;

Having seen the charges brought against:

Elenka Staneva daughter of Vasil and Gina nee' Zlatkova, born in Levski on the 12th July 1990, and residing at No. 31, Zavodska Street, G. Oryahovitsa, Zavodska, Bulgaria and holder of identity card number 645937408.

Charged with having on the 24th October, 2016 between mid-day and two o'clock in the afternoon (12:00 hrs – 14:00 hrs) from Valletta and on these islands:

1. In any way whatsoever knowingly aided or abetted the perpetrator of the crime in the acts by means of which the crime is prepared or completed, that is, aggravated theft of a wallet containing cash, documents and other objects to the detriment of Doris Galea and/or other persons and this in breach of Articles 42(d) and 284 of Chapter 9 of the Laws of Malta;

2. Furthermore committed theft of three hundred and fifty Euros (€350) from an HSBC ATM situated in Merchant Street, Valletta, to the detriment of HSBC, Doris Galea , Vincent Galea and/or any other persons, whihc theft is aggravated by amount which does not exceed two thousand three hundred and twenty-nine Euros and thirty seven cents (€2,329.37) and this in breach of Article 267 of Chapter 9 of the Laws of Malta;
3. Furthermore by means of any unlawful practice, or by the use of any fictitious name, or the assumption of any false designation, or by means of any other deceit, device or pretence calculated to leaad to the belief in the existence of any fictitious enterprise or of any imaginary power, influence or credit, or to create the expectation or apprehension of any chimerical event, made gain of more than two hundred and thirty two Euros and ninety-four cents (€232.94) but less than two thousand three hundred and twenty-nine Euros and thirty seven cents (€2,329.37) to the detriment of HSBC, Doris Galea, Vincent Galea and/or other persons and this in breach of Article 308 of Chapter 9 of the Laws of Malta;
4. Also having committed simple theft of a wallet containing cash, documents and other objects to the detriment of Abigail Anna Joy Parmar and/or other persons in breach of Article 284 of Chapter 9 of the Laws of Malta.

After having seen that the Prosecuting Officer Inspector Daryl Borg read out and confirmed on oath the charges brought against the accused, in the presence of the accused on the 26th October, 2016.

After having see all the documents exhibited in the proceedings, and more specifically the consent of the Attorney General for these proceedings to be dealt with summarily marked as Doc A at fol 7 of the proceedings, the statement issued by Elenka Staneva dated 25th October, 2016 which is marked as Doc C at fol 9 and 10 of the proceedings, a photocopy of her Bulgarian identity card which is marked as Doc

D at fol 11 of the proceedings, the current incident report which is marked as Doc E at fol 12 to 16 of the proceedings, a lost report marked as Doc F at fol 17 of the proceedings, her conviction sheet marked as Doc G at fol 21 of the proceedings and a declaration of the forfeiture of the right to legal counsel marked as Doc H at fol 22 of the proceedings.

After having heard the accused register a guilty plea to all the charges brought against her, in the sitting of the 21st November, 2016.

After having explained the legal consequences of her guilty plea and given the accused sufficient time to reconsider her guilty plea, she re-affirmed her guilty plea.

After having heard the Prosecuting Officer declare that the third (3) charge was given as an alternative to the second (2) charge.

Having heard submissions on punishment by the parties.

Considered:

After having seen that the accused registered a guilty plea at such an early stage of the proceedings, and due to this the court did not have to waste further time in gathering evidence, and after having seen that the accused has paid all the damages sustained by the injured parties during the sitting of the 21st of November 2016, and after having seen the accused's clear conviction sheet and after having seen that the Court of Appeal in the case *Police vs Ivaneva Parashkeva*, though in different circumstances has applied a punishment which went below the minimum stipulated by law, the Court feels in the circumstances that albeit a punishment of effective imprisonment is to be inflicted, this should be below the minimum stipulated by law with the application of Article 21 of Chapter 9 of the Laws of Malta.

Decide:

Therefore the Court after having seen Articles 42(d), 284, 267 and 21 of Chapter 9 of the Laws of Malta, is finding the accused guilty of the first (1), second (2) and fourth (4) charges and condemns her to a period of effective imprisonment of three (3) months which period the offender has spent in preventive arrest is to be deducted from the period of imprisonment.

Dr. Caroline Farrugia Frendo LL.D.

Magistrat

Nadia Ciappara

Deputat Registratur