



**THE COURTS OF MAGISTRATES (MALTA)**

As A Court of Criminal Judicature

**MAGISTRATE**

**DR. CAROLINE FARRUGIA FRENDO**

*B.A. (Legal and Humanistic Studies), LL.D.,*

*M.Juris (International Law), Dip. Trib. Eccl. Melit.*

**Case number: 542/2016 CFF**

**The Police**

**(Inspector Matthew Spagnol)**

**vs**

**Gianluca Calo'**

**Today 24th November, 2016**

**The Court;**

Having seen the charges brought against:

Gianluca Calo' son of Raffaele u Maria Antonietta di Cataldo, born in Mesagne, Italy on the 18th May 1979 and residing Apt No:2, Bridgeend Apartments, Triq iz-Zebbug, St. Julians. Holder of Maltese Resident Permit No: 149486A and Italian identity card no: AT 6222041;

Charged with having:

On the 10th October 2016 at around 18:00 hrs in Paceville, St. Julian's wilfully committed any spoil, damage or injury to or upon any movable or immovable property to the detriment of Andrew Dalmas and/or other person at the Club styled at 'Barcode', St. Rita Steps, Paceville, St. Julians (Art. 325 of Chapter 9 of the Laws of Malta);

On the same date, time, place and circumstances, committed theft of the sum of 700 euro to the detriment of Andrew Dalmas 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 of the Laws of Malta);

Having seen the Prosecuting Officer confirming on oath the charges brought against the accused during the sitting of the 16<sup>th</sup> October, 2016.

After having seen all the documents exhibited in the proceedings, and more specifically the declaration regarding refusal of legal advice marked as Doc GC, statement of accused marked as Doc GC1, conviction sheet marked as Doc GC2, photocopy of identity card and residence permit marked as Doc GC3, current incident report marked as Doc GC4, passport of the accused marked as Doc GC5 and the consent of the Attorney General for these proceedings to be dealt with summarily marked as Doc GC6 and a current incident report marked as Doc EF1.

After having heard the accused register a guilty plea to all the charges brought against him, in the sitting of the 24<sup>th</sup> November, 2016.

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

Having heard submissions on punishment by the parties.

Considered:

Regarding punishment, the Court took into consideration the accused's conviction sheet produced by the prosecution and the fact that the accused was already found guilty in

the very recent past of charges which are very similar to the ones which he is charged with today. This means that the accused did not use to his benefit the opportunities given to him to reform himself and therefore in the circumstances the Court feels that the punishment to be given has to be one of effective imprisonment.

Decide:

The Court, after having seen articles 325, 262, 264 and 267 of Chapter 9 of the Laws of Malta and after having seen the guilty plea registered by the accused, finds the accused guilty of the all the charges brought against him and condemns him to a period of imprisonment of six (6) months and which time the offender spent in preventive arrest is to be deducted from the said period of imprisonment.

**Dr. Caroline Farrugia Frendo LL.D.**

**Magistrat**

**Nadia Ciappara**

**Deputat Registratur**