

**In the Court of Magistrates
As a Court of Criminal Judicature**

**Sections 261 (a) (c), 262, 267, 276, 277, 280, 334 of Chap. 9
Sections 14 and 15 of Chapter 217 of the Laws of Malta.**

**Magistrate
Doctor Consuelo Scerri Herrera LL D
Dip. Eccl. Trib. Rel. Studies**

**The Police
Inspector Sandro Zarb
(Immigration Officer)
Inspector Ramon Mercieca
vs**

**ELENA CATALINA LOREDANA ERGHELEGUI
DINU MIRCEA**

Today the sitting of 8th July, 2002

The Court,

Having seen that the accused **ELENA CATALINA LOREDANA ERGHELEGUI** aged 26, daughter of Ion and Constanza Geauca nee Noblea Pauna, born in Bucharest on the 4th March, 1976 and temporarily residing at Omega Court, Flat 15, Ananija Street, St. Paul's Bay, holder of Romanian passport number 3021747 and **DINU MIRCEA** aged 48, son of Longinus and Elizabeth nee Pauna born in Bucharest on the 3rd February, 1954 and temporarily residing at Omega Court, Flat 15, Ananija Street, St. Paul's Bay, holder

of Romanian passport number 4852650 were brought forward before her and charged with:

1. Having on the 1st of April, 2002, at about 5.45pm together with another unknown person committed theft of a diamond ring valued more than LM 1,000 from a jewellery shop styled Azzopardi Jewellery of St. Anne Street, Floriana to the detriment of Joseph Emanuel Azzopardi of St. Julians which theft is aggravated by violence and amount.
2. During the previous weeks committed the theft of different items valued more than LM 500 from various shops in Malta and Gozo to the detriment of unknown persons.
3. Further more with knowingly receiving or purchasing any property which has been stolen, misapplied or obtained by means of any offence or knowingly took part in any manner whatsoever in the sale or disposal of same.

The Court was requested that besides awarding the punishments according to the Law declares the above mentioned persons as prohibited immigrants and issue a Removal Order from these islands against them in terms of Sections 14 and 15 of Chapter 217 of the Laws of Malta.

The Court saw the relevant articles sent from the Attorney General on the 24th of June, 2002 against the accused and his request that this Court will convert itself to a Court of Criminal Judicature.

The Court heard the accused declare that they have no objection that their case be dealt with summarily and furthermore that they are renouncing to the assistance of a legal advisor.

The Court heard the accused plead guilty of the charges brought forward against them, and was assured that the accused understood the nature of the accusations brought forward against them through the interpreter nominated by the Court.

The Court saw that certain charges were given in an alternative fashion in particular that of theft with that of receiving stolen property.

Thus the Court examined the evidence brought forward by the Prosecution up till this stage, heard the accused plead guilty to the charge of aggravated theft and thus finds both accused guilty of the charge of theft aggravated by violence, amount and value.

The Court noted that the accused do not have any objection for the things exhibited in Court in these proceedings to be returned to their legitimate owner.

The Court saw the relevant sections at law in particular Sections 261(a) (c), 262, 267, 276, 277, 280, 334 of the Criminal Code and Sections 14 and 15 of Chapter 217 of the Laws of Malta.

The Court thus finds both accused ELENA CATALINA LOREDANA ERGHELEGUI and DINU MIRCEA guilty of theft aggravated by violence, means and value and abstains from taking

cognisance of the charge regarding receiving stolen property, since such charge was given alternatively to the charge of theft.

The Court is condemning both accused for the offences found guilty of to a term of imprisonment to a term of eighteen months which period is being suspended for a period of three years in terms of section 28 (a) of Chapter 9 of the Laws of Malta.

Consequently the Court is upholding the request of the Prosecution in terms of Section 14 and 15 of Chapter 217 of the Laws of Malta and orders that a removal order from these islands is issued against both accused.

The Court explained the importance of this judgment to both accused and the consequences if they fail to adhere to it.

**Consuelo Scerri Herrera LL.D
Magistrate**