



**IN THE COURT 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: 104/2017 CFF**

**The Police**  
**(Inspector Godwin Scerri)**  
vs  
**Dakovic Goran**

**Today 16<sup>th</sup> March, 2017**

**The Court;**

Having seen the charges brought against:

Dakovic Goran, age 28 years s/o Mirko and Mirjana nee' Koyic, b/o on the 3rd of November, 1988 in Serbia residing at Morning Mist Court Flat 8 Massimiljanu Kolbe Street, St. Paul's Bay, holder of identification card no. 163958°.

Accused of having on the 12<sup>th</sup> February, 2017 at around 02:30 hrs from the 'Monavale Pub', situated at Harel Street, in St. Paul's Bay committed the theft of electronic equipment, to the detriment of Soma Szaboles, Makai, with such theft aggravated by value and time, in breach of Articles 267, 270 of Chapter 9 of the Laws of Malta.

Having seen the Prosecuting Officer read out and confirm on oath the charges brought against the accused during the sitting of the 16<sup>th</sup> March, 2017.

Having seen all the documents exhibited in this case which are; a photocopy of the accused's passport and residence permit, current incident report, the Attorney

General's consent, the accused's conduct sheet marked as Doc GS1, mobile phone receipt marked as Doc GS2, the accused's statement marked as Doc GS3 and a declaration made by the accused renouncing his right to a lawyer marked as Doc GS4.

Having heard the accused during the sitting dated 16<sup>th</sup> March, 2017 register a guilty plea to charge brought against him, after he was duly examined.

The Court warned the accused about the legal consequences of such a guilty plea registered by him and after allowing him a period of time to withdraw his guilty plea, the accused once again confirmed his guilty plea.

The Court, after seeing Article 392A(1)(2) of Chapter 9 of the Laws of Malta, and in the light of the accused's voluntary and unconditional guilty plea, converted itself to a Court of Criminal Judicature and proceeded to pass judgement on the accused .

Considered:

In view of the accused's guilty plea, the Court finds the accused guilty of the charge brought against him.

Regarding punishment, the Court took into consideration the guilty plea at such an early stage of the proceedings, in thus the court did not have to waste time in gathering further evidence, the accused's clear conviction sheet produced by the prosecution and the fact that the accused has collaborated fully with the police pending their investigation. The Court therefore does not deem it appropriate to impose an effective prison sentence.

Decide:-

Therefore, after having considered Articles 267 and 270 of Chapter 9 of the Laws of Malta, is finding the accused guilty of the charge brought against him and condemns him to twenty four (24) months imprisonment, however, since the Court is of the opinion that there are sufficient reasons which warrant that the said term of imprisonment be

suspended, in terms of Section 28A of Chapter 9 of the Laws of Malta, the said term of twenty four (24) months imprisonment shall not take effect unless during a period of four (4) years from the date of this order, the offender commits another offence punishable with imprisonment and thereafter, the competent court so orders under Article 28B of Chapter 9 of the Laws of Malta, that the original sentence shall take effect.

In terms, of Section 28A(4) of Chapter 9 of the Laws of Malta, the Court explained to the accused in plain language his liability under Section 28B of Chapter 9 of the Laws of Malta if during the operational period of this suspended sentence he commits an offence punishable with imprisonment.

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

**Magistrate**

**Nadia Ciappara**

**Deputy Registrar**