

**Court of Magistrates (Malta)  
As A Court of Criminal Judicature**

**Magistrate Dr. Claire L Stafrace Zammit B.A. LL.D.**

**The Police  
[Inspector Trevor Micallef]**

**-vs-**

**Hassan Smaile Mohammed**

**Case Number: 592/15**

**Today, the 3<sup>rd</sup> of July, 2017**

**The Court,**

Having seen that the accused Hassan Smaile Mohammed, holder of Identity Card number 46727A.

Was charged with having in these islands on the 25<sup>th</sup> July 2015 at about half past three in the morning (03:30a.m) and in the previous days/weeks, in St. Julians and/or in the vicinity:

Committed theft of a mobile phone make Samsung to the detriment of an unknown person and a mobile phone make HTC to the detriment of Corina-Daniela Oprea-Ilie and/or other persons and/or other entities which theft is aggravated by 'amount' (more than two hundred thirty two Euros and ninety four cents (Euro 232.94) and less than two thousand, three hundred and twenty nine Euros and thirty seven cents (Euro 2,329.37) and 'time'. (Art. 261 (c), (f), 267, 270, 279 (a) Chapter 9 of The Laws of Malta).

Accuse him further for having in the same period and circumstances, in Malta knowingly received or purchased any property which had been stolen, misapplied or obtained by means of any offence. (Art. 334 Chapter 9 of the Laws of Malta).

Accuse him further for having in the same period and circumstances had in his possession (otherwise than in the course of transit through

Malta of the territorial waters thereof) the resin obtained from the plant Cannabis, or any other preparation of which such resin formed the base, in terms of Section 8 (a) of Chapter 101 of the Laws of Malta, which drug was found under circumstances denoting that it was not intended for his personal use.

Accuse him further for having during the same period and circumstances produced, sold or otherwise dealt in the resin obtained from the plant cannabis, or any preparation of which such resin formed the base, in terms of Section 8 (b) of Chapter 101 of the Laws of Malta

Accuse him further for having on the mentioned date, time, place and circumstances insulted or threatened Florin-Sebastian Mariescu (Art 339 (1)(e) Chapter 9 of The Laws of Malta).

Seen all documentation including evidence tendered;

Seen the guilty plea by accused given on the sitting of the nineteenth (19) of June two thousand and seventeen (2017) and after he confirmed his guilty plea when he was given considerable time to reconsider;

Seen that the second charge is alternative to the first charge and the fifth (5) charge is alternative to the first (1) charge;

Having seen Articles 17, 261(c)(f), 267, 270, 279(a), 280(1) and Article 339(1)(e) of Chapter 9 of the Laws of Malta and Article 8(a) (b) and 22(2)(b)(ii) of Chapter 101 of the Laws of Malta, finds accused **Hassan Smaile Mohammed** guilty of all the charges brought against him as aforesaid and condemns him to a punishment of ten (10) months imprisonment.

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The accused is also being condemned under Article 533 of Chapter 9 of the Laws of Malta to pay the expenses incurred for the appointment of experts in these proceedings amounting to one hundred and fifty six Euro and eighty eight cents (€156.88).

Finally orders the confiscation and destruction of drugs exhibited in these acts (Dok TM9).

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**Dr Claire L Stafrace Zammit B.A. LL.D.**  
**Magistrate**