



Courts of Magistrates (Malta)
As a Court of Criminal Judicature
Magistrate Dr. Francesco Depasquale LL.D., LL.M. (IMLI)

The Police
(Inspector Matthew Spagnol)

Vs

Mustafa Mohamud Mohamed

Today, the 27th March 2017

The Court;

Having seen the charges laid against Mustafa Mohamud Mohamed of 29 years, son of Muhamud Mohamed and Hikimo Ismail Ahmed, born in Somalia on 3rd March 1988, residing in Hal Far Tent, Limits of Birżebbuġa, holder of identity card number 51094(A);

Charged with having in these islands on the 18th March 2017 in St. George's Road, St Julians:

- 1.** Committed theft of a mobile phone make Samsung to the detriment of Martina Zammit (ID 172199M), which theft is qualified by means of 'time' and 'value' which exceeds two hundred and thirty two euro and ninety four cents (Euro 232.94) but does not exceed two thousand and three hundred and twenty nine euro and thirty seven cents (Euro 2,329.37). **Art 261 (c) (f), 267, 270, 279 (a), of Chapter 9 of the Laws of Malta.**
- 2.** Accuse him further for having on the same date and/or in the days after, knowingly received or purchased any property which has been stolen, misapplied or obtained by means of any offence, whether committed in Malta or abroad, or knowingly took part, in any manner whatsoever in the

sale or disposal of the same item. **Art 334 (a) of Chapter 9 of the Laws of Malta.**

3. Accuse him further for having on the same date and/or in the days after, on becoming aware that any property in his possession is stolen property or property misapplied or obtained by means of any offence, failed to give notice thereof to the Executive Police within a week of becoming so aware.

Art 334 (a) of Chapter 9 of the Laws of Malta.

4. Accuse him further for rendering himself a recidivist as per articles **49, 50 u 289 of Chapter 9 of the Laws of Malta**, by judgement delivered by the Court of Magistrates (Dr. Gabriella Vella LL.D) on the 2nd March 2015, which judgement is absolute and cannot be changed.

The Court has been informed that the accused does not understand English and Maltese Languages, and in this regard, the Court appointed Abdilkarim Abdullahi to introduce from English to Somali Language and ordered that the procedures will continue in English Language.

The Court asked the accused if he has the financial means to engage a lawyer. The accused declared he has no funds to engage a lawyer in his defence. The Court therefore appoints the lawyer for legal aid, Dr Josette Sultana, present in the Hall to assist him.

Saw that the prosecution is **withdrawing the first accusation** while insisting on the rest.

The defence exempts the prosecution from justifying the arrest of the accused.

The prosecution exhibited the consent of the Attorney General and the Court thus resolves itself into a Court of Criminal Judicature.

Saw that the accused does not object in having been arraigned under arrest and the accusations were read out and the accused declared that he understood the accusations being made and the consequences therein.

The accused pleaded guilty.

Having asked the accused if he was aware of the consequences of the admission, he re-confirmed the admission.

The Court examined the documentation exhibited by the prosecution.

Having heard the admission of the accused to the second, third and fourth accusations.

Having heard the prosecution declaring that the mobile phone which the accused had in his possession was retrieved by the Prosecution and duly returned to its rightful owner.

Having seen **Art 261 (c) (f), 267, 270, 279 (a) of Chapter 9 of the Laws of Malta; Art 334 (A) of Chapter 9 of the Laws of Malta; and Art 49, 50 u 289 of Chapter 9 of the Laws of Malta**

Finds the accused guilty and condemns him to imprisonment for a period of **six months**.

Magistrate Francesco Depasquale

**Rita Sciberras
Deputy Registrar**