

**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**

**Gianluca Calo'  
Elodie Didier Christine Moriceau**

**Case Number: 242/2017**

**Today, the 23<sup>rd</sup> of October, 2017**

**The Court,**

Having seen that the accused Gianluca Calo' holder of Italian Identity Card Number AT 8629351; and

Elodie Didier Christine Moriceau holder of passport number 15CV67910 were charged with having in these islands within the period of the 28<sup>th</sup> May 2017 and the previous months, by several acts committed by the offender, even if at different times which constitute violations of the same provision of the law, and are committed in pursuance of the same design (Art. 18 Chapter 9 of the The Laws of Malta).

1. During some time on the 25<sup>th</sup> March 2017 committed theft of a mobile phone from inside Corinthia San Gorg Hotel, St Julian's to the detriment of Margaret Buhagiar and/or other persons, and/or other

entities which theft is aggravated by ‘means’ and ‘place’ (Art. 261(b)(e), 263(a) 269(g) Chapter. 9 of the Laws of Malta)

2. Accused them further for having on the 28<sup>th</sup> April 2017 sometime in the afternoon, committed theft of objects from Radison Hotel, St. Julian’s to the detriment of Robert Lyn Francis and/or other person which theft is aggravated by ‘means’, amount’ (which exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but does not exceed two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), and ‘place’ (Art. 261(b),(c),(e), 263(a), 267, 269(g), 279(a) Chapter. 9 of the Laws of Malta)
3. Accused them further for having on the 1<sup>st</sup> May 2017, sometime in the afternoon, committed theft of objects from Le Meridien Hotel, St. Julian’s to the detriment of Claudio Morabito, BOV and/or other persons and/or other entities which theft is aggravated by ‘means’, amount’ (which exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but does not exceed two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), and ‘place’ (Art. 261(b),(c),(e), 263(a), 267, 269(g), 279(a) Chapter. 9 of the Laws of Malta)
4. Accused them further for having on the same date by means of any unlawful practice, or by the use of any fictitious name, or the assumption of any false designation, or by means of any other deceit, device or pretence calculated to lead to the belief in the existence of any fictitious enterprise or of any imaginary power, influence or credit, or to create the expectation or apprehension of any chimerical

event made any gain to the prejudice of another person (Art. 308 Chapter. 9 of the Laws of Malta)

5. Accused them further for having on the same date committed fraudulent gain (Art. 309, 310(c) Chapter. 9 of the Laws of Malta)
6. Accused them further for having on the 07<sup>th</sup> May 2017 sometime in the morning committed theft from inside Corinthia San Gorg, San Giljan to the detriment of Martina Caruana, BOV and/or other persons and/or other entities which theft is aggravated by ‘means’, amount’ (which exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but does not exceed two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), and ‘place’ (Art. 261(b),(c),(e), 263(a), 267, 269(g), 279(a) Chapter. 9 of the Laws of Malta)
7. Accused them further for having on the same date by means of any unlawful practice, or by the use of any fictitious name, or the assumption of any false designation, or by means of any other deceit, device or pretence calculated to lead to the belief in the existence of any fictitious enterprise or of any imaginary power, influence or credit, or to create the expectation or apprehension of any chimerical event made any gain to the prejudice of another person (Art. 308 Chapter. 9 of the Laws of Malta)
8. Accused them further for having on the same date committed fraudulent gain (Art. 309, 310(c) Chapter. 9 of the Laws of Malta)

9. Accused them further for having on the 26<sup>th</sup> May 2017 sometime in the morning and/or early afternoon, committed theft of objects from Marina Hotel, Room 2708, St. Julians to the detriment of Jan-Mortiz Peter Franosch and Mariana Frenosh Geb Rohnean and/or other persons which theft is aggravated by ‘means’, amount’ (which exceeds two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), and ‘place’ (Art. 261(b)(c)(e), 263(a), 267, 269(g), 279(a) Chapter. 9 of the Laws of Malta)
  
10. Accused them further for having on the 26<sup>th</sup> May 2017 sometime in the morning from Parisio Street, Sliema from inside vehicle make Hyundai bearing registration no. FCI 292 stole a mobile phone make Huawei and Euro 25 in cash to the detriment of Robert Azzopardi and/or other persons which theft is aggravated by ‘means’ and by’ the nature of things stolen’ (Art. 261(b)(g), 263(a), 271(g) Chapter. 9 of the Laws of Malta)
  
11. Accused them further for having on the 28<sup>th</sup> May 2017 sometime in the morning and/or early afternoon, committed theft from inside Corinthia San Gorg, St. Julian’s to the detriment of Gary Martyn Withey and/or other persons which theft is aggravated by ‘amount’ which exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but does not exceed two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), and ‘place’ (Art. 261(b)(c)(e), 263(a), 267, 269(g), 279(a) Chapter. 9 of the Laws of Malta)

Accused them further for having in the same period of time in these Islands, committed a crime in the operational period of a suspended sentence delivered by the Courts of Law (Malta), which sentence is definite and cannot be changed

Accused them further for having in the same period of time and circumstances in these islands rendered themselves recidivists under articles 49, 50 and 289 Chapter 9 of the Laws of Laws of Malta after they have been found guilty of a sentence or sentences from the Courts of Law (Malta) which sentences are definite and cannot be changed.

Having seen all documentation including evidence tendered;

Having seen the guilty plea by accused given on the sitting of the nineteenth (19th) of June two thousand and seventeen (2017) and they confirmed their guilty plea after that they were given considerable time to reconsider;

Having seen that charges one (1), two (2), three (3), five (5), nine (9) and eleven (11) are all charges which fall under the disposition of Article 18 of Chapter 9 of the Laws of Malta;

After having considered that charges six (6), seven (7) and eight (8) are all absorbed in charge four (4);

After having seen that the accused are also being attributed the recidivism under Article 49 and 50 of Chapter 9 of the Laws of Malta;

After also seeing that both the accused had been sentenced for committing a crime whilst under a suspended sentence on the day of 19th October 2017 by this Court presided by Magistrate Dr Caroline Farrugia Frendo LL.D;

After having seen Articles 18, 49, 50, 261(b)(e), 261(b)(c)(e), 261(c)(e), 261(b)(g), 263(a), 267, 269(g), 271(g), 279(a), 279(b), 278, 280, 280(1), 289, 308, 309 and 310(1)(c) finds accused **Gianluca Calo'** and **Elodie Didier Christine Moriceau** guilty of all the charges brought against them except the one of committing a crime whilst on a suspended sentence as aforesaid and condemns them to a punishment of four (4) years imprisonment each.

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

**Benamina Mifsud**  
**Dep. Reg.**