



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: 382/2017 CFF

The Police
(Inspector Fabian Fleri)
(Inspector Jonathan Ransley)
(Inspector Elton Taliana)
vs
Gianluca Calo'
Elodie Didier Christine Moriceau

Today 19th October, 2017

The Court;

Having seen the charges brought against:

Gianluca Calo' 38 years son of Raffaele and Maria Antonietta di Cataldo born in Mesagne, Italy on the 18th May 1979 residing at Flat 2, Bridge End Apartments, Zebbug Road, St. Julian's and holder of identity card number 149486A and holder of Italian identity card number AT 6222041.

And

Elodie Didier Christine Moriceau 22 years daughter of Didier and Sylvie nee' Simon born in Nantes France on the 30th November 1994, holder of French Document number 15AR65894 and residing at Flat 2, Bridge End Apartments, Zebbug Road St. Julian's

Whereas they are charged with having committed several acts, even if at different times, which constitutes violations of the same provision of the law and which acts were committed in pursuance of the same design. *Article 18 of Chapter 9 of the Laws of Malta*

1. On the 27th May 2017 at about 10:45hrs in Coast Road Naxxar from a vehicle committed the theft of a wallet, credit cards and a mobile phone which theft is aggravated by amount which exceeds two hundred and thirty two euro and ninety three cents (€232.93) but does not exceed two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) and nature of the thing stolen to the detriment of Godwin Borg and/or other person/s: *Articles 261(c)(g), 267, 270, 279(a), 280(1) of Chapter (of the Laws of Malta*
2. On the 27th May 2017 between 11:10hrs and 12:10hrs in Qawra committed the theft of 663.09 Euro which theft is aggravated by amount which exceeds two hundred and thirty two euro and ninety three cents (€232.93) but does not exceed two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) to the detriment of Godwin Borg and/or other person/s: *Articles 261(c), 267, 279(a) of Chapter (of the Laws of Malta*
3. On the 24th May 2017 between 01:30hrs and 06:00hrs from the shop styled Surfside located in Tower Road, Sliema with the intent to commit a crime that is theft which is aggravated by means, amount which exceeds two hundred and thirty two euro and ninety three cents (€232.93) but does not exceed two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) and time to the detriment of Jeff Gambin, manifested such intent by overt acts which commenced the execution of the crime which was not completed in consequence of some accidental cause independent of your will; *Articles 41(1)(a), 261(b)(c)(f), 263(a), 267, 270, 278(3) of Chapter (of the Laws of Malta*
4. During the night between the 23rd and 24th May 2017 from the shop styled Gelateria Lungomare located in Stella Maris Street corner with Windsor Terrace, Sliema with the intent to commit a crime that is theft which is aggravated by

means, amount which exceeds two hundred and thirty two euro and ninety three cents (€232.93) but does not exceed two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) and time to the detriment of Rodrick Bartoli, manifested such intent by overt acts which commenced the execution of the crime which was not completed in consequence of some accidental cause independent of your will; *Articles 41(1)(a), 261(b)(c)(f), 263(a), 267, 270, 278(3) of Chapter (of the Laws of Malta*

5. On the 24th May 2017 between 02:00hrs and 07:30hrs from the shop styled Al Solito Posto located in Milner Street, Sliema committed the theft of 40 Euro which theft is aggravated by means and time to the detriment of Antonio Genna and/or other person/s: *Articles 261(b)(f), 263(a), 270, 278(2) of Chapter (of the Laws of Malta*
6. On the 24th May 2017 between 02:00hrs and 07:30hrs from the shop styled Time Square located in Tower Road, Sliema committed the theft of 1000 Euro which theft is aggravated by means, by amount which exceeds two hundred and thirty two euro and ninety three cents (€232.93) but does not exceed two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) and time to the detriment of Paul Attard and/or other person/s: *Articles 261(b)(c)(f), 263(a), 267, 270, 278(3) of Chapter (of the Laws of Malta*
7. On the 23rd May 2017 at about 01:00hrs from the shop styled Franny's Fruit and Vegetables located in Tigne' Street, Sliema committed the theft of 150 Euro which theft is aggravated by means and time to the detriment of Francesca Formosa and/or other person/s: *Articles 261(b)(f), 263(a), 270, 278(2) of Chapter (of the Laws of Malta*
8. On the 21st May 2017 between 22:45hrs and 23:10hrs from the shop styled Chemimart located in Tower Road, Sliema with the intent to commit a crime that is theft which is aggravated by means, amount which exceeds two hundred and thirty two euro and ninety three cents (€232.93) but does not exceed two thousand and three hundred and twenty-nine euro and thirty-seven cents

(€2,329.37) and time to the detriment of David Bonnici, manifested such intent by overt acts which commenced the execution of the crime which was not completed in consequence of some accidental cause independent of your will; *Articles 41(1)(a), 261(b)(c)(f), 263(a), 267, 270, 278(3) of Chapter (of the Laws of Malta*

9. Between the 20th and 22nd May 2017 from the shop styled The Economical Dispensary located in Sir Adrian Dingli Street, Sliema committed the theft of 300 Euro, laptop make Lenova valued at 820 Euro and perfumes valued at 360 Euro which theft is aggravated by means, by amount which exceeds two hundred and thirty two euro and ninety three cents (€232.93) but does not exceed two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) and time to the detriment of Edward and Kenneth Paris and/or other person/s: *Articles 261(b)(c)(f), 263(a), 267, 270, 278(3) of Chapter (of the Laws of Malta*

10. On the 20th May 2017 between 00:30hrs and 10:00hrs from the shop styled Mr. Softy located in Tower Road, Sliema committed the theft of 770 Euro Euro which theft is aggravated by means, by amount which exceeds two hundred and thirty two euro and ninety three cents (€232.93) but does not exceed two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) and time to the detriment of Raymond Cauchi and/or other person/s: *Articles 261(b)(c)(f), 263(a), 267, 270, 278(3) of Chapter (of the Laws of Malta*

11. On the 20th May 2017 between 02:00hrs and 09:00hrs from Melita Street, Sliema committed the theft of a Quad Bike make Kymco bearing registration number GBF482 Euro which theft is aggravated by means, by amount which exceeds two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) and nature of the thing stolen to the detriment of Antoinette Aquilina and/or other person/s: *Articles 261(b)(c)(f), 263(a), 267, 270, 278(3) of Chapter (of the Laws of Malta*

12. On the 18th May 2017 between 01:30hrs and 07:00hrs from the shop styled Gabbana located in Tower Road, Sliema committed the theft of 705 Euro Euro which theft is aggravated by means, by amount which exceeds two hundred and thirty two euro and ninety three cents (€232.93) but does not exceed two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) and time to the detriment of Philip Pace and/or other person/s: *Articles 261(b)(c)(f), 263(a), 267, 270, 278(3) of Chapter (of the Laws of Malta*

13. Between the 16th and 17th May 2017 from the shop styled Paul's Sea Breeze located in Gorg Borg Olivier Street, St. Julian's committed the theft of 1400 Euro Euro which theft is aggravated by means, by amount which exceeds two hundred and thirty two euro and ninety three cents (€232.93) but does not exceed two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) and time to the detriment of Paul Saliba and/or other person/s: *Articles 261(b)(c)(f), 263(a), 267, 270, 278(3) of Chapter (of the Laws of Malta*

14. During the night between the 15th and 16th May 2017 from the shop styled Alamango Bridal Wear located in Manoel De Vilhena Street, Gzira committed the theft of 360 Euro Euro which theft is aggravated by means, by amount which exceeds two hundred and thirty two euro and ninety three cents (€232.93) but does not exceed two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) and time to the detriment of Philip Alamango and/or other person/s: *Articles 261(b)(c)(f), 263(a), 267, 270, 278(3) of Chapter (of the Laws of Malta*

15. On the 15th May 2017 between 00:20hrs and 11:00hrs from the shop styled Little Argentinian located in Tower Road, Sliema committed the theft of 350 Euro Euro which theft is aggravated by means, by amount which exceeds two hundred and thirty two euro and ninety three cents (€232.93) but does not exceed two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) and time to the detriment of Ariel Eduardo Pozo and/or other person/s: *Articles 261(b)(c)(f), 263(a), 267, 270, 278(3) of Chapter (of the Laws of Malta*

16. During the night between the 11th and 12th May 2017 from the shop styled Marcelle's Salon located in Manwel Dimech Street, Sliema committed the theft of 300 Euro Euro which theft is aggravated by means, by amount which exceeds two hundred and thirty two euro and ninety three cents (€232.93) but does not exceed two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) and time to the detriment of Patrick Attard and/or other person/s: *Articles 261(b)(c)(f), 263(a), 267, 270, 278(3) of Chapter (of the Laws of Malta*

17. During the night between the 10th and 11th May 2017 from the shop styled Profiles Salon located in Sir Adrian Dingli Street, Sliema committed the theft of 70 Euro and hair styling equipment Euro which theft is aggravated by means, by amount which exceeds two hundred and thirty two euro and ninety three cents (€232.93) but does not exceed two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) and time to the detriment of Nolene Falzon and/or other person/s: *Articles 261(b)(c)(f), 263(a), 267, 270, 278(3) of Chapter (of the Laws of Malta*

18. On the 10th May 2017 at about 05:00hrs from the shop styled Peprit located in Mensija Street, St. Julian's committed the theft of money and cigarettes Euro which theft is aggravated by means, by amount which exceeds two hundred and thirty two euro and ninety three cents (€232.93) but does not exceed two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) and time to the detriment of Isabel Cuschieri and/or other person/s: *Articles 261(b)(c)(f), 263(a), 267, 270, 278(3) of Chapter (of the Laws of Malta*

19. And during the same dates, times, locations and circumstances committed crimes during the operative period of a suspended sentence issued against you by the Court of Magistrates (Malta) Magistrate Dr. Charmaine Galea LLD dated 13th October 2016 which sentence is definite and cannot be changed:

20. Gianluca Calo' is also accused that during the same dates, times, locations and circumstances became a recidivist according to articles 49 and 50 of Chapter 9 of the Laws of Malta after he was found guilty by means of a sentence issued by the Courts of Malta which sentence is definite and cannot be changed .

The Court is gently requested that in the case of a guilty verdict condemns the accused to pay the expenses in relation to the appointment of experts or architects in these procedures as contemplated in article 533 of Chapter (of the Laws of Malta).

Having seen the Prosecuting Officers read out and confirm on oath the charges brought against the accused during the sitting of the 19th October, 2017.

Having seen all the documents exhibited in this case which are; NPS person details report, the conviction sheet of Gianluca Calo', the conviction sheet of Elodie Moriceau, seventeen current incident reports marked from Doc FF1 to Doc FF17, declaration of refusal of the right for legal assistance of Elodie Moriceau marked as Doc FF18, declaration of refusal of the right for legal assistance of Gianluca Calo' marked as Doc FF19, an envelope containing three CD's and two pendrives marked as Doc FF20, audio-visual of Elodie Moriceau marked as Doc FF21 and the audio-visual of Gianluca Calo' marked as Doc FF22.

Having heard the accused during the sitting dated 19th October, 2017 register a guilty plea to the charges brought against them, after they were duly examined.

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

Considered:

In view of the accused's guilty plea, the Court finds both the accused guilty of the charges brought against them.

Regarding punishment, the Court is taking into consideration the guilty plea at such an early stage of the proceedings, and also the fact as declared by the Prosecuting Officer that the accused have both fully co-operated with the Police during the investigation of this case.

Decide:-

The Court after having seen articles, 261, 263, 267, 270, 278, 279, 281, 41(1)(a), 49 and 50 of Chapter 9 of the Laws of Malta, finds both the accused guilty upon their guilty plea and with regards to offences one (1) to eighteen (18) condemns both of them for a period of two (2) years imprisonment from today, and with regards offence number nineteen (19) renders effective the suspended sentence, and therefore the period of imprisonment which was suspended by means of sentence dated 13th October, 2016 is now being rendered effective, to a term of imprisonment of one (1) year from today.

The Court in view of the co-operation given to the police by the accused Calo is not imposing the sanctions listed in Article 49 et seq of Chapter 9 of the Laws of Malta.

Dr. Caroline Farrugia Frendo LL.D.

Magistrate

**Nadia Ciappara
Deputy Registrar**

