



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

Magistrate Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)

Today, the 31st day of May, 2018

**The Police
(Inspector Mark Mercieca)**

-vs-

Jake Sebastian Morris, holder of UK passport number 465086453.

Criminal Proceedings No. 305/2018

The Court,

Having seen the charges brought against the accused Jake Sebastian Morris who is being charged with having:

On the night between the 14th and 15th May, 2018, in Sliema;

- a) Wilfully committed damage upon various vehicles, where the amount of the damage exceeds the sum of two thousand and five hundred Euros (€2,500.00) in breach of Section 325(a) of Chapter 9 of the Laws of Malta.
- b) Committed theft from **six** vehicles (KBV105, IBL762, LCD363, GBP527, JBP692, LSN888) which theft is **aggravated by time and by the nature of the thing stolen**, to the detriment of various persons or other entities;
- c) In any public place or place open to the public, was found drunk and incapable of taking care of himself; *Art. 338 (ff), Chap 9*

- d) Refused to give or untruthfully gave his particulars to a police officer while the exercise of his duties in breach of art 338(g) of Chapter 9 of the Laws of Malta;
- e) Uttered insults or threatened PS309 and PC127 in breach of art 339 (1)(e) of Chapter 9 of the Laws of Malta;
- f) For having during the same period, in these islands became a recidivist under articles 49, 50, 289 of the Laws of Malta after the accused have been found guilty of a crime and was sentenced by the Court which sentence is definitive and cannot be changed;
- g) For having committed a crime punishable with imprisonment during the operative period of a definite suspended sentence in terms of Art 28A of Chapter 9 of the Laws of Malta, imposed on him by means of a judgment handed down against him on the 23/10/2014 (Mgt Dr. A. Vella LLD)

Having Considered:

Whereas on the 16th May, 2018, having heard the accused plead guilty to all charges brought against him notwithstanding the fact that the Court warned him in the most solemn manner of the legal consequences of his guilty plea, and after having given him sufficient time within which to reconsider and withdraw his guilty plea;

Having heard witnesses;

Having seen all the acts and documents exhibited;

Having heard the prosecution and defence counsel make their submissions;

Considers:

Having heard the guilty plea of the accused to the charges brought against him, the Court has no alternative but to declare the accused guilty of the said charges.

With regards to punishment the Court took into consideration the accused's early admission of guilt, the nature of the offences of which he stands charged, his tainted criminal record, his dependency on drugs and alcohol, and all the circumstances of the case.

For the said reasons, the Court, after having seen articles 17, 31, 49, 50, 261(f)(g), 270, 271(g), 281(b), 289, 325(a), 338(g)(ff), 339(1)(e) of Chapter IX of the Laws of Malta, upon his admission, finds the accused guilty of the charges brought against him and condemns him to three years imprisonment.

Having also heard the accused plead guilty to the seventh charge brought against him, after having seen articles 28A, 28B and 28C of Chapter IX of the Laws of Malta, orders that the judgement delivered by the Court of Magistrates on the 23rd October 2014, wherein the operative period of another suspended sentence delivered by the Court of Magistrates on the 21st October, 2013 condemning the accused to eighteen (18) months imprisonment was extended for another four years,

The Court orders that the suspended sentence of eighteen (18) months imprisonment shall take effect given that the offences upon which the accused registered a guilty plea were committed in the operative period of the said judgement. Thus the accused is to serve a term of imprisonment of **four and a half years**.

Moreover in terms of Article 532A of Chapter IX of the Laws of Malta which renders applicable article 24 of the Probation Act, Chapter 446 of the Laws of Malta, orders the accused to pay damages to the injured parties namely Louis Schembri, Anthony Farrugia, Rowena Grima, Aldo Bonello, Clive Cordina and Ian Fenech Conti. This order for the payment of damages may be enforced in like manner as if it had been given in a civil action between the offender and the person to whom the damages are ordered to be paid.

In terms of Article 412D of Chapter IX of the Laws of Malta, orders the accused to submit to treatment to combat his addiction subject to the conditions laid down in the attached order. The order shall be for a duration of three (3) years.

Finally the Court recommends the Director of Corradino Correctional Facility to immediately undertake all measures thereby enabling the accused to enrol in a rehabilitation programme in a bid to combat the severe addictions of which he suffers.

Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)
Magistrate