



**MALTA**

**COURT OF MAGISTRATES (MALTA)  
AS A COURT OF CRIMINAL JUDICATURE  
MAGISTRATE DR.GABRIELLA VELLA B.A., LL.D.**

**Police  
(Inspector Jonathan Ransley)**

**Vs**

**Peter Bossea Enchi**

**Today, 28<sup>th</sup> August 2018**

**The Court,**

After having seen the charge brought against Peter Bossea Enchi, son of Lawrence and Mary neè Idua, born in Ghana on the 15<sup>th</sup> June 1986 and residing in Birzebbugia and holder of Maltese Identity Card No.61439(A), of having in these Islands on the 15<sup>th</sup> July 2017 at around 12:08 in the morning from Imsida:-

1. Committed theft of mobile phone of make Samsung S6 to the detriment of Irina Czerniaska and/or other persons, which theft is aggravated by time and amount which exceeds two hundred and thirty two Euro and ninety four cents (232.94).

After having heard the testimony by Inspector Jonathan Ransley during the sitting held on the 24<sup>th</sup> July 2018<sup>1</sup> and the testimony of PC 538 Raymond Azzopardi<sup>2</sup> and PC 1413 Antoine Agius<sup>3</sup> during the sitting held on the 7<sup>th</sup> August 2018;

After having examined all documents submitted in the records of these proceeding namely the personal details form of the accused, the conviction sheet of the accused, the declaration of the accused of the refusal to consult a Lawyer, the statement of the accused, the receipt by the Police showing that the mobile phone forming the merits of these proceedings was handed over to the owner and the consent of the Attorney General in the Maltese and English Language;

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<sup>1</sup> Fol.18 and 19

<sup>2</sup> Fol 21 and 22

<sup>3</sup> Fol 23 to 26

After having heard the accused plead guilty to the charge brought against him during the sitting held the 28<sup>th</sup> August 2018, and this notwithstanding the fact that the Court in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him in the most solemn manner of the legal consequences of his guilty plea after having given him sufficient time within which to reconsider and withdraw his guilty plea;

After having heard submissions regarding punishment;

**Considers:**

The accused is being charged of having in these Islands on the 15<sup>th</sup> July 2017 at around 12:08 in the morning from Imsida, committed theft of mobile phone of make Samsung S6 to the detriment of Irina Czerniaska and/or other persons, which theft is aggravated by time and amount which exceeds two hundred and thirty two Euro and ninety four cents (232.94).

The accused pleaded guilty to the charge brought against him and in the light of said guilty plea and also in the light of testimony given by Inspector Jonathan Ransley, PC 538 Raymond Azzopardi and PC 1413 Antoine Agius, the Court finds the accused guilty of the charge so brought against him.

Therefore after having considered Section 279(a) and Section 280 of Chapter 9 of the Laws of Malta, the Court, whilst reiterating that it is finding the accused guilty of the charge brought against him, condemns him to six (6) months imprisonment however, since the Court is of the opinion that there are sufficient reasons which warrant that the said term of imprisonment be suspended, namely the clean conviction sheet of the accused and the guilty plea at a relatively early stage of the proceedings, in terms of Section 28A of Chapter 9 of the Laws of Malta, the said terms of six (6) months imprisonment is being suspended for a period of one (1) year from date of this judgment.

In terms of Section 28A(4) of Chapter 9 of the Laws of Malta, the Court explained to the accused in plain language his liability under Section 28B of Chapter 9 of the Laws of Malta if during the operational period of this suspended sentence he commits an offence punishable with imprisonment.

**MAGISTRATE**

**DEPUTY REGISTRAR**