

**IN THE COURT OF MAGISTRATES (MALTA)  
AS A COURT OF CRIMINAL JUDICATURE**

**Magistrate**

**Dr. Rachel Montebello B.A. LL.D.**

**THE POLICE**

**(Inspector Clayton Camilleri)**

**-Vs-**

**MICHAL LUKASZ NOWAK**

**Today, 15th August, 2019**

**The Court,**

Having seen that Michal Lukasz Nowak son of Christoph and Barbara Nowak, born on the 13<sup>th</sup> February 1982 in Wroctlawia, Poland, not having a permanent address in Malta and holder of a Polish Identity Card number AXX 862648, was arraigned and accused of having:-

On the 5<sup>th</sup> of August 2019 at around 20:00h, whilst at 'Kenneth's Gift Shop situated in Gorg Borg Oliver Street, Mellieha, committed simple theft of clothing to the detriment of Charmaine Mifsud;

The Court was also requested to consider Michal Lukasz Nowak as a recidivist.

Having seen that after having heard the accused declare during his arraignment on the 15<sup>th</sup> August 2019 that he does not understand the Maltese language but understands the English language, the proceedings were ordered to be conducted in the English language;

Having seen that during his arraignment at the hearing of the 15<sup>th</sup> August 2019, the accused admitted his guilt on all charges brought against him;

Having seen that the accused, even after having been afforded considerable time to reconsider his guilty plea and to consult with his defence lawyer and after having been informed by the Court several times of the seriousness of the charges and of the punishment attached to each such charge, definitively confirmed his admission of guilt;

Having heard the submissions of both the Prosecution and the defence regarding the punishment to be inflicted on the accused in consequence of his admission of guilt;

Having seen all the acts of the proceedings;

Having considered;

The accused, in the presence of his legal aid counsel and voluntarily, admitted to and registered a guilty plea in respect of the charge of simple theft and to the

charge of recidivism in terms of Articles 49, 50 and 289 of the Criminal Code and consequently, in the light of this guilty plea, the Court deems that the said charges have been duly and sufficiently proven at Law and therefore finds the accused guilty of all such charges.

Regarding the punishment to be inflicted upon the accused as a result of his guilty plea, the Court took several factors into consideration, including the fact that as would result from his conviction<sup>1</sup> sheet, the accused had already been found guilty on the 30<sup>th</sup> July 2015 of a charge of aggravated theft, and the fact that accused is therefore undoubtedly a recidivist in terms, at least, of Article 49 and 289 of the Laws of Malta. Moreover, it is manifest that the accused also suffers from health problems arising from persistent alcohol abuse which, in his particular circumstances of homelessness and indigence, cannot but continue to steer him towards a life of sustained delinquency.

In the circumstances, despite his early admission, the Court cannot but deem that the appropriate punishment to be meted out is that of effective imprisonment for a term which, considering the simple nature of the theft and, as declared by the Prosecution in the minutes of the arraignment, the minimal value of the *res furtiva*, will approach the minimum.

### **Decide**

**For these reasons, the Court, after having seen Article 49, 50, 284, 285 and 289 of Chapter 9 of the Laws of Malta, finds MICHAL LUKASZ NOWAK guilty upon his own admission, of all charges brought against him and**

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<sup>1</sup> Dok. CC2 a fol. 9.

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**condemns him to the punishment of an effective term of two (2) months imprisonment.**

**DR. RACHEL MONTEBELLO**

**MAGISTRATE.**