



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

MAGISTRATE NATASHA GALEA SCIBERRAS B.A., LL.D.

Today: 16th March 2018

**The Police
(Inspector Robert Vella)**

vs

**Abdi Ali Mahamed
ID no: 9000692(A)**

The Court,

Having seen the charges brought against the accused Abdi Ali Mahamed, aged 22, son of Ali and Nuro, born in Somalia on 1st January 1996, residing at Tower A3, Flat 917, Arkata Street, Paola and holder of ID card number 9000692(A);

Charged with having on 15th March 2018, at about 12:55pm in the locality of Marsa:

Committed theft of a mobile phone of make 'Huawei' for the value of one hundred Euro (€100), to the detriment of Laura Fanciulli and/or other persons.

The Prosecution requests that, in case of guilt, the accused is to be deemed a recidivist as per Articles 49 and 50 Chapter 9 of the Laws of Malta after he has been found guilty by means of another judgment delivered by the Court of Magistrates, which judgment is now definitive and may not be changed.

Having seen the records of the case;

Having heard the accused plead guilty to the charge brought against him, which plea was confirmed by the accused even after the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him of the legal consequences thereof, and allowed him sufficient time to reconsider his reply and to retract it;

Having heard final oral submissions by the parties about the punishment to be inflicted.

Considered that:

In view of the guilty plea filed by the accused, the Court cannot but find him guilty of the charge brought against him.

For the purpose of the punishment to be inflicted, the Court took into consideration that the accused cooperated with the police during its investigation, that he entered an early guilty plea and that the mobile phone has been returned to its owner. It also took into account the circumstances of the case. On the other hand, the Court also took into consideration that the accused is a recidivist in terms of law.

Conclusion

For these reasons, the Court, after having seen Sections 49, 50, 284 and 285 of Chapter 9 of the Laws of Malta finds accused guilty of the charge brought against him and condemns him to four (4) months effective imprisonment.

Natasha Galea Sciberras
Magistrate