



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

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

**The Police
(Inspector Jonathan Ransley)**

vs

**Abdala Mohamed Mahmoud
(ID 63693(A))**

26th February 2020

The Court,

Having seen the charge brought against the accused **Abdala Mohamed Mahmoud**, 24 years of age, son of Mohamed and Fatima nee` Jama, born in Somalia on 1st January 1994 and residing at Stefanella Court, Flat 21, St. Francis Street, Sliema, holder of identity card number 63693(A);

Charged with having, on 18th September 2019 at about 2.30pm in St. Francis Street, Sliema:

1. Wilfully committed any spoil, damage or injury to or upon any movable or immovable property, when he caused damage to two vehicles bearing registration numbers BBM 431 and CH6732M, the value of which damage

does not exceed the sum of two thousand five hundred euro (€2,500) but exceeds the sum of two hundred and fifty euro (€250), to the detriment of Lypucho Lazarovski and/or other persons.

Having heard the evidence adduced and having seen the records of the case;

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

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

Considers 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 the early guilty plea filed by the accused and that he cooperated with the police during its investigation.

It also took into account accused's criminal record, which consists of a conviction under Chapter 61 and Chapter 217 of the Laws of Malta in respect of which he was sentenced to one month imprisonment.

It further took into consideration the circumstances of the case, namely that from the records of the proceedings it results that on 18th September 2019, at about 2.30 p.m., accused wilfully damaged the rear windscreen and the rear right window of a vehicle Fiat Punto, bearing foreign registration number CH6732M by throwing a brick in the direction of the said vehicle and in the process, damaged also the windscreen of another vehicle, a Volkswagen Golf, bearing registration number BBM431. The estimated value of the damage caused to the two vehicles amounted to five hundred and thirty euro (€530).

Furthermore, the Court also took into consideration the testimony given by Probation Officer Matthew Fleri Soler and that notwithstanding the fact that the accused was

placed under a Temporary Supervision Order on account of his drug problem, it is evident that he lacks the motivation necessary for reform and rehabilitation. Upon the defence's request, the Court even scheduled another hearing so that the accused would, in the meantime, have the opportunity of benefitting from further sessions with the Probation Officer, following defence's declaration that accused had, at that stage, expressed his willingness to abide by the directions of the Probation Officer. However, from the Probation Officer's testimony of 29th January 2020, it transpires that the accused demonstrated no motivation whatsoever to address his drug problem and indeed, showed no interest in following the directives given to him by his Probation Officer. For the purpose of the punishment to be inflicted, the Court cannot but take into account this attitude of the accused towards the professional assistance it sought to provide him with.

Conclusion

For these reasons the Court, after having seen Section 325(1)(b) of Chapter 9 of the Laws of Malta, upon his guilty plea, finds the accused **Abdala Mohamed Mahmoud** guilty of the charge brought against him and condemns him to a term of **nine (9) months effective imprisonment**.

In terms of Section 532A of Chapter 9 of the Laws of Malta, the Court orders Abdala Mohamed Mahmoud to pay Lyupcho Lazarovski (ID 142795A) the sum of three hundred and twenty five euro (€325) and the owner of the vehicle Fiat Punto bearing registration number CH6732N, the sum of two hundred and five euro (€205), with immediate effect.

Natasha Galea Sciberras
Magistrate