



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

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

Mosta Sitting

Today, the 24th of November, 2020

Criminal Proceedings No. 628/2020

**The Police
(Inspector Jonathan Ransley)**

-vs-

Kamil Rozycki, holder of Polish license card number 79041806094:

The Court,

Having seen the charges brought against the person charged **Kamil Rozycki** who is being charged with having:

With several acts committed by himself, even if at different times, constituting violations of the same provision of the law and which were committed in pursuance of the same design:

1. On the 13th November 2020 from Gzira (pontoon C, Manoel Island) committed theft of outboard of make Suzuki which theft is aggravated by 'value', 'means', 'place' and 'time'; which amount does not exceed two thousand three hundred and twenty-nine euro and thirty-seven cents (2329.37) to the detriment of Timo Joseph Bonnici and/or other persons;
2. Between the 13th November 2020 and 18th November 2020 from Gzira (pontoon, Manoel Island) committed theft of outboard of make Mercury

which theft is aggravated by 'value', 'means', 'place' and 'time'; which amount does not exceed two thousand three hundred and twenty-nine euro and thirty-seven cents (2329.37) to the detriment of Alexander Azzopardi and/or other persons.

Also, for being a recidivist under articles 49, 50 and 289 of Chapter 9 of the Laws of Malta and this according to a judgement given by the Courts of Malta, which judgement has become absolute and cannot be changed.

Having Considered,

Whereas having heard the person charged plead guilty to the 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 person charged to the charges brought against him, the Court has no alternative but to declare the person charged guilty of the said charges.

With regards to punishment the Court took into consideration the accused's early admission of guilt, his co-operation with the investigating authorities, his criminal record, the nature of the offences of which he stands charged and the circumstances of the case. The Court heard how the person charged resorted to theft to finance his drug addiction.

In view of the above, the Court, after having seen Articles 17, 18, 20, 31, 49, 50, 261(b)(c)(e)(f), 263, 267, 269(e), 270, 278(3), 279(a), 280(2), 281(b) and 289 of the Criminal Code, Chapter 9 of the Laws of Malta, finds the accused guilty of the charge brought against him and condemns him to **imprisonment for eighteen (18) months**.

In terms of Article 412D of Chapter IX of the Laws of Malta, orders the person charged 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 two (2) years.

The Court is ordering the Principal Immigration Officer to take the measures that may be warranted in terms of the Immigration Act, Chapter 217 of the Laws of Malta.

Moreover, in terms of Article 23 of the Criminal Code, orders the forfeiture and destruction of the spanners exhibited.¹ The Registrar of Courts is to draw up a proces-verbal attesting to the destruction of the said items.

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 addiction of which he suffers.

Orders that a copy of this judgement be served on the Director of Prisons.

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

¹ Dok.JR