



Courts of Magistrates Gozo
As A Court of Criminal Judicature

Magistrate Dottor Brigitte Sultana LL.D., LL.M (Cardiff) Adv. Trib.
Eccl. Melit.

Sitting of Friday, 11th June 2021

Case no: 24/2021

The Police (Inspector Bernard Charles Spiteri)

Vs

Yasin Hassan Ali

The Court,

Having noted the charges brought against Yasin Hassan Ali, holder of Maltese identity number 112860(A), aged 40 years, son of Hassan Ali and Halema born in Mogadishu Somalia on the 15th January 1980 and residing at Aries Court, 5, Block D, Rabat Road, Zebbug, Gozo the charges being that on the the 9th June 2021, at about 8.15a.m., whilst being at Mgarr harbor limits of Ghajnsielem Gozo and/or in the vicinities;-

1. Committed theft of an Iphone mobile, which amount does exceed two hundred and thirty-two euro and ninety-four cents (€232.94c) but those not exceed two thousand, three hundred and twenty nine euros and thirty seven cent (€2,329.37c), which theft has been aggravated by value, to the detriment of Mark Cutajar and this in breach of articles 261 and 267 of Chapter 9.
2. **And also with having on the same date, time, place and circumstances** in any public place or place open to the public was found drunk and incapable of taking care of himself and this in breach of article 338 (ff) of Chapter 9 of the Laws of Malta.

Having perused all the documents exhibited in the acts of these proceedings.

Having heard the accused plead guilty to all the charges brought against him, 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.

Notes that the accused once again declared himself to be guilty of all the charges brought against him.

Heard the parties' oral submissions regarding punishment.

Notes that the defence asked the Court to consider conditional discharge.

Notes that the prosecution did not object given that the accused cooperated with the police and even explained the modality of his actions.

Considers

That, as a consequence of the admission of the accused of all the charges brought against him, the mentioned charges brought against the accused have been sufficiently proven. With regards to the punishment to be inflicted against the accused, the Court shall be taking into consideration various factors, including: the nature of the charges brought against the accused, the guilty plea entered at an early stage of these proceedings and the clean conviction sheet of the accused.

Therefore, the Court, after having seen and considered Articles 261, 267 and 338(ff) of Chapter 9 of the Laws of Malta finds the accused Yasin Hassan Ali guilty of all the charges brought against him and in terms of Section 22 of Chapter 446 of the Laws of Malta the Court is conditionally discharging the accused subject to the condition that he does not commit another offence within a period of two (2) years from the date of this judgement.

In terms of Article 392A(2) of the Criminal Code the Court orders that this judgement together with the record of the proceedings be transmitted to the Attorney General in terms of Law.

(sgd.) Dr. Brigitte Sultana

Magistrate

(sgd.) Diane Farrugia

Deputy Registrar

True Copy

For The Registrar