



**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR. GABRIELLA VELLA B.A., LL.D.**

Case No. 384/2021

**The Police
(Inspector Joseph Mercieca)
(Inspector Doriette Cuschieri)**

Vs

Kefali Kibreab Elias

Today, 23rd June 2021

The Court,

After having considered the charge brought against the accused **Kefali Kibreab Elias**, twenty five (25) years of age, son of Kibreab Elias and Licia neè Maradrab, born in Eritrea on the 9th September 1996, without fixed address, holder of Maltese Identity Card Number 152798(A), of having between September 2019 and the 7th March 2021, with several acts committed by the offender, even if at different times, which constitute violations of the same provision of the law, and which are committed in pursuance of the same design, from Ta' Barbeta Bakery, in Triq San Girgor, Zejtun, and/or from contiguous and interconnected premises "Ave Maria" in Triq l-Isqof Emmanuel Galea, Zejtun:

1. Committed theft of cash and/or some antique coins, which theft is aggravated by means, by value, exceeding two thousand three hundred twenty nine Euros and thirty seven cents (€2,329.37), by person, by place and by time, to the detriment of Mr. Emanuel Zammit and/or any other person/s and/or entity or entities;

After having considered the documents submitted by the Prosecution on the 17th June 2021, marked Dok. "JM1" to Dok. "JM4" at folios 8 to 12 of the records of the proceedings;

After having considered that initially the accused pleaded not guilty to the charge brought against him, but then during the sitting held on the 23rd June 2021 he pleaded guilty to the said charge;

After having heard the accused plead guilty to the charge brought against him, which guilty plea was confirmed by him even after 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;

After having heard submissions regarding punishment, from which it resulted that the accused fully co-operated with the Executive Police;

Considers:

The accused is being charged of having between September 2019 and the 7th March 2021, with several acts committed by the offender, even if at different times, which constitute violations of the same provision of the law, and which are committed in pursuance of the same design, from Ta' Barbetta Bakery, in Triq San Girgor, Zejtun, and/or from contiguous and interconnected premises "Ave Maria" in Triq l-Isqof Emmanuel Galea, Zejtun:

1. Committed theft of cash and/or some antique coins, which theft is aggravated by means, by value, exceeding two thousand three hundred twenty nine Euros and thirty seven cents (€2,329.37), by person, by place and by time, to the detriment of Mr. Emanuel Zammit and/or any other person/s and/or entity or entities.

During the sitting held on the 23rd June 2021, the accused pleaded guilty to the charge brought against him and in view of the said guilty plea the Court finds the accused guilty of the charge so brought against him.

In so far as concerns punishment the Court took into account the fact that the accused has a clean conviction sheet, that he fully co-operated with the Executive Police and that he submitted a guilty plea at a very early stage of the proceedings.

Therefore after considering Sections 18, 261(b),(c),(d),(e),(f), 263(a), 266(1)(2), 267, 268(a)(d), 269(g), 270, 278(1)(2)(3), 279(b), 280(2) and 281(c) of Chapter 9 of the Laws of Malta, the Court, whilst reiterating that it is finding the accused guilty of the charge brought against him, by application of Section 21 of Chapter 9 of the Laws of Malta, on the grounds that the accused has a clean conviction sheet and he fully co-operated with the Executive Police, which the Court deems to be reasons which in this case call for a punishment below the minimum, condemns the accused to two (2) years imprisonment however, since the Court is of the opinion that there are sufficient reasons which warrant that the said term of imprisonment hereby imposed be suspended, namely the reasons already given for the application of Section 21 of Chapter 9 of the Laws of Malta and the fact that the accused submitted a guilty plea at an early stage of the proceedings, in terms of Section 28A of Chapter 9 of the Laws of Malta the said term of two (2) years imprisonment is being suspended for a period of four (4) years from date of this judgement.

In terms of Section 28A(4) of Chapter 9 of the Laws of Malta the Court explained to the accused in plain language his liability under Section 28B of Chapter 9 of the Laws

of Malta if during the operational period of this suspended sentence he commits an offence punishable with imprisonment.

In terms of Section 392A of Chapter 9 of the Laws of Malta, the Court orders that this judgement and the records of the proceedings be transmitted to the Attorney General within six (6) working days.

MAGISTRATE

DEPUTY REGISTRAR