



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

**Magistrate Dr Leonard Caruana LL.D (Melit.) M.A. (Fin. Serv.)**

Today, the 12th October 2021

**The Police**  
(Inspector Jonathan Ransley)  
(Inspector Michael Vella)

Vs

**Kamil Rozycki**  
(Holder of Polish Licence Card No. 79041806094)

The Court,

Having seen the charges brought against Kamil Rozycki, born in Poland on the 18<sup>th</sup> April 1979 son of Jan and Elizabeth nee' Matszuszwski, without any fixed residence address and holder of Polish licence card number No. 79041806094, whereby with several acts committed by himself, even if at different times, constituted violations of the same provision of the law and were committed in pursuance of the same design:

1. Between the 08th November 2020 and the 14th November 2020 from Pietà (Marina Berth 36) 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 Euros and thirty-

seven cents (€2,329.37) to the detriment of Clint Baldacchino and/or other persons;

2. Between the 18th November 2020 and the 20th November 2020 from Gżira (pontoon C, 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 Euros and thirty-seven cents (€2,329.37) to the detriment of Gordon Galea and/or other persons;

The Court was also requested to deal with the accused as a recidivist as per article 49, 50 and 289 of Chapter 9 of the laws of Malta, by judgements issued by the Court of Magistrates (Malta) which judgements have become absolute.

Having seen that during today's sitting the accused registered a guilty plea and admitted to all the charges brought against him and, with the application of Article 392A(1) and Article 453(1) of the Criminal Code, Chapter 9 of the Laws of Malta, the Court warned him in the most solemn manner about the legal consequences of his admission, and afforded him a period of time to reconsider his guilty plea.

Having seen that after being given enough time, the accused confirmed his guilty plea;

Having seen all the documents submitted by the Prosecuting officer under oath, including the consent of the Attorney General given in terms of Article 370(4) of the Criminal Code;

Having heard the oral submissions made by the prosecution and defence council in regard to the punishment that ought to be awarded to the accused;

Considered:-

The accused admitted to all the charges brought against him and therefore, on the basis of his voluntary and unconditional admission, the Court has no option but to find the accused guilty of all charges brought against him.

In regard to the punishment, the Court heard that the accused was involved in a series of four thefts of outboard motors from berthed boats. Although he had initially admitted to just two thefts, for which he was charged and found guilty in Court, upon further investigations by the police, it transpired that the accused was also involved in the present thefts of outboard motors. All this results from the statement released by the accused to the police. The Court held that in the other cases, the accused was sentenced to eighteen months imprisonment. In the present case, however, the accused co-operated with the police only when he was confronted with these two present thefts, which were not mentioned by him initially. Had the police failed to solve the present case, the accused would not have provided any information nor admitted to these present.

The Court also heard that the accused had a serious drug-related problem at the time of these thefts and that he now has overcome it. He co-operated with the police in this case and admitted his involvement in the initial stages of this case, both with the police and also with the Court.

The Court also heard that the engines were returned to their respective owners without any damage and that therefore not only did the accused co-operate with the police, but the victims have also been re-integrated in the possession of their respective outboard motors.

Considered;

That from the acts of the proceedings, namely from the statement, it results that the accused was involved in a series of thefts of outboard motors. The Court notes that in regard to these present thefts, the accused remained silent and only spoke about them upon being specifically asked about them by the police after carrying out further investigations into these present thefts.

From the conviction sheet of the accused it results that this span of thefts is not his first venture into the crime of theft and that the court had already given him a chance in 2016 to reform himself and move away from criminal activities.

In light of the above, and also in view of the circumstances of this case, this Court sees that a sentence of effective imprisonment is desirable.

The Court, however, also notes that once confronted with the present theft of the two outboard engines, the accused admitted his involvement with the Police and admitted the charges upon the first opportunity before these Courts.

**Decide:**

Therefore, on the basis of the above, the Court after having seen Articles 17, 18, 20, 31, 261, 263, 269, 270, 278(3), 279, 280(2), 289 and 392A of the Criminal Code, Cap. 9 of the Laws of Malta, and after hearing the voluntary and unconditional admission of the accused, finds **Kamil Rozycki guilty** of all charges brought against him and condemns him to **eighteen (18) months imprisonment**.

**Dr. Leonard Caruana LL.D., M.A. (Fin. Serv).**  
**Magistrate**