



MALTA

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

MAGISTRATE DR IAN FARRUGIA LL.D

Today 20th March 2022

**The Police
(Inspector Leeroy Balzan Engerer)**

Vs

Joseph Oliver

The Court;

Having seen the charges brought against **Joseph Oliver**, holder of Nigerian Passport with number: **A11141590**, born in Benin City, Nigeria on the 14/12/1992 charged with having on the 20th March 2022 between one and three-thirty in the morning (01:00hrs - 03:30hrs) in St. Julian's committed, even if at different times, constitute violations of the same provision of the law or of related provisions of the law, and are committed in pursuance of the same design, such acts shall be deemed to be a single offence, called a continuous offence:-

1. Committed a theft of a mobile phone to the detriment of Agathe Sandrine Roose, which theft is aggravated by time and amount, which amount does not exceed the amount of € 2300.

2. Committed a theft of a mobile phone (€500) to the detriment of Rhoda Lee Eaton Richards, which theft is aggravated by time and amount, which amount does not exceed the amount of € 2300
3. Committed a theft of a bag to the detriment of Maya Mallo Calleja, which theft is aggravated by time and amount, which amount does not exceed the amount of € 2300;
4. Have received or purchased items which had been stolen, misapplied or obtained by means of any offence, whether committed in Malta or abroad, or had knowingly took part, in any manner whatsoever, in the sale or disposal of the same

Having heard prosecuting officer on oath;

Having seen all the documents exhibited in the acts of these proceedings;

Having heard accused plead guilty to charges (1), (2) and (3) brought against him during today's arraignment and his insistence on such guilty plea after being given time according to law to reconsider;

Having considered the accused's declaration as minuted in today's sitting, following his guilty plea, that he had enough time to think and reconsider such guilty plea, that he clearly understood the nature of the charges brought against him, and that he understood clearly that his guilty plea, as pointed out by this Court, was to lead to serious consequences in terms of punishment;

Having heard submissions by the prosecution and the defence in terms of punishment;

Considers;

That in view of the accused's guilty plea to charges (1), (2) and (3) proffered against him, and since there is no reason emanating from these proceedings why this Court should not accept such plea, it is the duty of this Court to proceed with judgement and declare the accused guilty as charged.

In terms of punishment, this Court is taking into consideration the fact, that the accused pleaded guilty at the earliest possible opportunity in these proceedings, that all objects stolen were retrieved and returned to their legitimate owners, and his clean conduct sheet.

Furthermore, the Court will abstain from taking further cognizance of charge number (4), dealing with receipt of stolen property, since such charge was tendered as an alternative charge to charges (1), (2) and (3), dealing with aggravated theft.

Conclusion.

THEREFORE, IN VIEW OF THE ABOVE THE COURT, having seen Articles **17, 18, 28A, 31, 261(c)(f), 267, 270, 279(a) and 280 of Chapter 9 of the Laws of Malta**, while abstaining from taking further cognizance of charge number (4), finds and declares offender **Joseph Oliver** guilty, upon his own admission, of charges (1), (2) and (3), and condemns him to a term of imprisonment of nine (9) months, which will however remain suspended for a period of three (3) years in terms of Article 28A of Chapter 9 of the Laws of Malta.

The Court explained to Joseph Oliver, in clear terms, his responsibilities under this sanction.

Dr Ian Farrugia LL.D
Magistrate

Marica Mifsud
Deputy Registrar