



MALTA

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

MAGISTRATE DR IAN FARRUGIA LL.D

Today 4th October 2022

**The Police
(Inspector Jessica Bezzina)**

Vs

**Gilbert Gatt
Giuseppe Carollo
Luke Gatt**

The Court;

Having seen the charges brought against **Gilbert Gatt**, holder of ID Card Number 220300L, born in Pieta' on 19/06/2000

Giuseppe Carollo, holder of ID Card Number 228556A, born in Brescia, Italy on 19/06/2002

Luke Gatt holder of ID Card Number 604104L, born in Pieta' on 16/01/20040;

And charge them that on the 27th June 2021 between 00.00hrs and 03.00hrs at IK Academy LTD, Manoel Island, Gzira and/or other areas on these Islands:

1. Committed a theft of 800 euro cash to the detriment of Neville Arpa and/or other persons, which theft is aggravated by time, amount and means.
2. Willfully committed any spoil, damage or injury to or upon any movable or immovable property, to the detriment of Neville Arpa and/or other persons, which amount of damage does not exceed two hundred and fifty euros (€250)

And accuse Gilbert Gatt and Giuseppe Carollo alone that on the 11th July 2021, between 00.00hrs and 03.00hrs at IK Academy LTD, Manoel Island, Gzira and/or other areas on these Islands:

3. Committed a theft of two JBL speakers and 50 euro cash to the detriment of Neville Arpa and/or other persons, which theft is aggravated by time, amount and means
4. Willfully committed any spoil, damage or injury to or upon any movable or immovable property, to the detriment of Neville Arpa and/or other persons, which amount of damage does not exceed two hundred and fifty euros (€250)

And accuse Gilbert Gatt alone that on the 26th July 2021, between 16.00hrs and 17.00hrs, at Manoel Island Marina Puntun D, Gzira and/or other areas on these Islands:

5. Committed theft of a simple nature to the detriment of Otto Ryan Edward and/or other persons

Having heard prosecuting officer on oath;

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

Having seen today's minute wherein the prosecuting officer declared that from the investigation conducted, Luke Gatt should not answer to charge number 1. And therefore the prosecution was withdrawing charge number one exclusively with respect to Luke Gatt.

Having heard all three accused plead guilty to the charges brought against them, and in line with the prosecution's declaration above mentioned, during today's sitting and their 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 their guilty plea, that they had enough time to think and reconsider such guilty plea, that they clearly understood the nature of the charges brought against them, and that they understood clearly that their guilty plea, as pointed out by this Court, was to lead to sanctions;

Having heard submissions by the prosecution and the defence in terms of the best sanction to fit all the applicable circumstances;

Considers;

That in view of the accuseds' guilty plea to all charges proffered against them, 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 particular consideration the fact, that the accused, all three of a tender age, pleaded guilty at the earliest possible opportunity in these proceedings, their full co-operation during the investigation, their intact conviction sheets exhibited in the acts of the proceedings, the fact that the JBL speakers were recovered and that they were ready to effect adequate compensation.

Conclusion.

THEREFORE, IN VIEW OF THE ABOVE THE COURT, having seen Articles 17, 31, 261, 263(a), 267, 270, 278(3), 280(2) and 325(1)(c) **of chapter 9 the Laws of Malta**, finds and declares offenders :

Gilbert Gatt and Giuseppe Carollo, upon their own admission, guilty as charged; and

Luke Gatt, not guilty of charge number 1, from which he is being acquitted in terms of Law, but, upon his own admission, guilty of charge number 2;

Sanction

Gilbert Gatt and Giuseppe Carollo, by way of sanction, the Court, discharges Gilbert Gatt and Giuseppe Carollo for a period of three (3) years from today on condition that they do not commit any crime within such period, and this in terms of Article 22 of Chapter 446 of the Laws of Malta, and orders that they pay Neville Arpa the sum of €450 each, within six months from today, in terms of the said Chapter 446.

With regards to **Luke Gatt**, by way of sanction, the Court, discharges Luke Gatt for a period of two (2) years from today on condition that he does not commit any crime within such period, and this in terms of Article 22 of Chapter

446 of the Laws of Malta, and orders that he pays Neville Arpa the sum of €50 within six months from today, in terms of the said Chapter 446.

The Court explained to the offenders, in ordinary language, their responsibility under this sanction.

Dr Ian Farrugia LL.D
Magistrate

Marica Mifsud
Deputy Registrar