



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

**(The Police
Inspector Keith Xerri)**

Vs

Darko Tomeski

Today, 20th February 2022

The Court,

After having considered the charges brought against **Darko Tomeski**, 46 years old, son of unknown father and Vida Tomecki, resident at 'Book a Rest Hostel', Triq Schrieber, San Giljan, holder of Macedonian residence permit number M0065425, born in Machedonia, on the 12th February 1977, of having on the 10th February 2023, between the hours of 15:00hrs and 16:00hrs, in Wellbees Supermarket situated at Triq Mikiel Ang Borg, San Giljan and/or in these islands;

1. Committed theft of a hair trimmer make Remington and 5 pairs of socks, which theft is considered to be simple to the detriment of Mark Cacciattolo and/or persons and /or other entities.

After having considered the documents submitted by the Prosecution namely: (i) The Conviction Sheet of the accused marked as Doc. "A"; (ii) A declaration by the accused where he is renouncing from exercising the right to consult a lawyer and have the same present during the interrogation marked as Doc. "B"; (iii) A statement given by the accused marked as Doc. "C"; (iv) oThe Police incident report marked as Doc. "D"; and (v) A photocopy of the accused's passport marked as Doc. "E".

After having heard the accused plead guilty to the charges brought against him, which guilty plea was confirmed by him even after the Court 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 considered all the records of the proceedings.

Considers:

The accused is being charged of having on the 10th February 2023, between the hours of 15:00hrs and 16:00hrs, in Wellbees Supermarket situated at Triq Mikiel Ang Borg, San Giljan and/or in these islands; committed theft of a hair trimmer make Remington and 5 pairs of socks, which theft is considered to be simple to the detriment of Mark Cacciattolo and/or persons and /or other entities.

The accused pleaded guilty to the charges brought against him and in the light of said guilty plea the Court finds the accused guilty of the said charges so brought against him.

In so far as concerns punishment the Court took into consideration the fact that the accused has a clean Maltese Conviction Sheet and that he submitted a guilty plea at an early stage of the proceedings.

Now therefore after considering Sections 284 and 285 of Chapter 9 of the Laws of Malta, the Court is finding the accused guilty, upon his own admission, of all the charges brought against him and condemns him to three (3) months imprisonment, however, since it deems that in this case there are sufficient reasons, namely the fact that the accused has a clean Maltese Conviction Sheet and that he submitted a guilty plea at an early stage of the proceedings, which warrant that the said term of imprisonment be suspended, in terms of Section 28A of Chapter 9 of the Laws of Malta suspends, the said term of three (3) months imprisonment hereby imposed on the accused, for a period of one (1) year from date of this judgment.

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.

MAGISTRATE

DEPUTY REGISTRAR

