



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

**The Police
(Inspector Clayton Camilleri)
(Inspector Andrew Agius Bonello)**

Vs

Robert Alan Smith

Today, 24th April 2023

The Court,

After having considered the charges brought against **Robert Alan Smith**, thirty three (33) years of age, son of unknown parents, born in the United Kingdom on the 2nd June 1989, resident at 197, Himalaya, Sir Temi Zammit Street, Mgarr, and holder of UK Passport Number 528246525:

1. Of having at a time between half past ten in the evening (22:30hrs) of the 28th March 2023 and half past four in the morning (04:30hrs) of the 29th March 2023, at Triq in-Nebbieta, Attard, committed theft of cash and other objects from motor vehicle make Audi A1 and registration number KBT-318, to the detriment of David Spiteri and/or of another person/s, and/or other entities, which theft is aggravated by time and the nature of the thing stolen;
2. And also of having at a time between two o'clock in the morning (02:00hrs) and half past two in the afternoon (14:30hrs) of the 29th March 2023 at Triq il-Gibjun, Attard, with intent to commit a theft from a motor vehicle to the detriment of Nadia Grieger, and/or another person/s, and/or other entities, which theft would have been aggravated by time and the nature of the thing stolen;

After having heard the accused plead guilty to the charges brought against him, which guilty plea was reiterated by him after the Court gave him sufficient time to reconsider his position and withdraw his guilty plea;

After considering the documents submitted by the Prosecution marked as Doc. "A" to Doc. "E";

After having heard submissions by the Prosecution and Defence Counsel regarding punishment;

After having considered the records of the proceedings;

Considers:

The accused is being charged with having: (1) at a time between half past ten in the evening (22:30hrs) of the 28th March 2023 and half past four in the morning (04:30hrs) of the 29th March 2023, at Triq in-Nebbieta, Attard, committed theft of cash and other objects from motor vehicle make Audi A1 and registration number KBT-318, to the detriment of David Spiteri and/or of another person/s, and/or other entities, which theft is aggravated by time and the nature of the thing stolen; and also with having: (2) at a time between two o'clock in the morning (02:00hrs) and half past two in the afternoon (14:30hrs) of the 29th March 2023 at Triq il-Gibjun, Attard, with intent to commit a theft from a motor vehicle to the detriment of Nadia Grieger, and/or another person/s, and/or other entities, which theft would have been aggravated by time and the nature of the thing stolen.

The accused pleaded guilty to the charges so brought against him. In view of his guilty plea, the Court is to find the accused guilty of said charges.

For the purposes of punishment the Court took into account the nature of the charges brought against the accused, the fact that the accused co-operated with the Police, that he submitted a guilty plea at an early stage of the proceedings and that he has a clean Maltese conviction sheet.

Therefore after considering Sections 17(b), 31, 41(1)(a), 261(f)(g), 270, 271(g) and 281(a)(b) of Chapter 9 of the Laws of Malta, the Court finds the accused guilty of all the charges brought against him and condemns him to seventeen (17) months imprisonment, however, in view of the fact that the Court deems that there are sufficient reasons which warrant the suspension of the prison term being here imposed on the accused, namely that he co-operated with the Police, that he has a clean Maltese conviction sheet and that he 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 Court is hereby suspending the term of seventeen (17) months imprisonment for a period of two (2) 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.

MAGISTRATE

DEPUTY REGISTRAR