



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

**Magistrate Dr Brigitte Sultana LL.D., LL.M. (Cardiff), Adv. Trib. Eccl.
Melit.**

Today, Friday, 19th of January, 2024

**The Police
(Inspector Keith Xerri)**

Vs

Lacramioara Ciurar

And

Zima Caldararu

The Court,

Having seen the charges brought against the accused Lacramioara Ciurar 37 years, daughter of Nestor and Margareta nee' Ciurar, born in Romania, on the 11th of November 1986, without a fixed address in Malta, and holder of Romanian Identity document number ZV 111093 and Zima Caldararu, 30 years, daughter of Nestor & Margareta nee' Ciurar, born in Germany on the 12th of May 1993, without a fixed address in Malta, and holder of Romanian Identity document number ZV 379540 who are being charged:

For having on the 14th January 2024 at about 11:00am, and/or in the previous hours, and/or days, in Nadur square or in its vicinities, and other places within the Gozitan island;

1. by means of any unlawful practice, or by the use of any fictitious name, or the assumption of any false designation, or by means of any other deceit, device or pretense calculated to lead to the belief in the existence of any fictitious enterprise or of any imaginary power, influence or credit, or to create the expectation or apprehension of any chimerical event, made a profit at the expense of others, which amount of the damage caused does not exceed five hundred euros (€500),
2. For having, at the same time, and circumstances to the detriment of various others, made any other fraudulent gain, not mentioned in the articles of Sub Title III Title IX Second Section First Book of the Criminal Code, Chapter 9 of - Laws of Malta, which amount of damage caused does not exceed five hundred euros (€500),
Art. 309, 310 (1)(c) Chap. 9 of the Laws of Malta.
3. Also for having in the same time and circumstances, collected money from the public with breach of the Public Collections Act Regulations, Chapter 279
4. Also for having in the same time and circumstances, promoted a collection and a collection was made pursuant to this promotion, when in respect of the locality in which the collection was made and throughout the period during which it was so made, a licence authorising them, or authorising another under whose authority they were acting, to promote a collection in the locality and for the purpose for which the collection was made was not in force.
5. Also for having in the same time and circumstances, acted as a collector for the purposes of a collection, when in respect of the locality in which and at all times when the collection happened, a licence authorising a promoter under whose authority he acts, or authorising the collector himself, to promote a collection in the locality and for the purpose for which the collection is made, was not in force.

6. And more for at the same time, and circumstances in any public place importuned any person to beg alms.
7. And more for at the same time, and circumstances, except in the cases specially provided for in the Criminal Code or in any other law, performed any act without a licence from the competent authority, when such licence is required by any law or by any regulation made by the competent authority thereunder.

The Prosecution also requested the Court to treat the defendant Lacramioara Ciurar as a defendant in terms of articles 49 of Chapter 9 of the laws of Malta and this because of a sentence of the Maltese Courts, which sentence has become definitive and cannot be changed.

The Court was also kindly requested that in case of guilt, condemn the accused for the payment of costs related to the appointment of experts or architects in the proceedings as contemplated in Article 533 of the Chapter 9 of the Laws of Malta, and also that in the case of guilt, apart from imposing the penalties established by the Laws, also orders the confiscation of all the objects exhibited.

Having Considered:

Whilst noting that during the sitting of the 15th of January, 2024 an interpreter was sworn in, in order to translate from the English language to Romanian for the benefit of the accused;

Noting also that both the accused were being defended by the lawyer for Legal Aid;

Now, whereas during the sitting both the accused entered a guilty plea to all the charges brought against them and this notwithstanding the fact that the Court warned both of them in the most solemn manner of the legal consequences of their guilty plea, and after having given them sufficient time, outside the hall of court within which to reconsider their position and withdraw their guilty plea.

Having heard both the accused re-iterate their guilty plea after the court warned them of the punishment and consequences that such an admission entailed;

Having seen all the acts and documents exhibited;

Having heard the prosecution and defence counsel make their submissions;

Considers:

Having ascertained that the amount owed by the accused in relation to the charges with which they stand charged does not exceed €500.

Having heard the guilty plea of the accused to all the charges brought against them, the Court has no alternative but to declare the accused both guilty of all the said charges.

Now whereas the second charge is an alternative to the first offence, of which the accused are being found guilty, the court is abstaining from taking further cognisance of the second charge.

Whereas the offences numbered three, six and seven are an alternative to the offences numbered four and five of which the accused are being found guilty of, the Court is also abstaining from taking further cognisance of the charges numbered three, six and seven.

With regards to punishment the Court considered the accused's relatively early admission of guilt. As regards their criminal records the Court notes that whereas the criminal record pertaining to Zima Caldararu is clean, as regards Lacramiorara Ciurar she has already been found guilty of a similar crime and this fact was not contested by the defence.

In the light of the above this Court is of the opinion that in the present case a prison sentence would be ideal in the circumstances.

For the said reasons the Court, whilst abstaining from taking further cognisance of the second, third, sixth and seventh charges after having seen articles 17, 31, 49, 50, 308, 309 and 310(1)(c) of the Criminal Code, Chapter IX of the Laws of Malta, and Articles 3(2) and (3), Articles 10(1)

and (2) of Chapter 279 of the Laws of Malta finds the accused both guilty of all the other charges brought against them and condemns each of them to three (3) months effective imprisonment and to a fine of four hundred and fifty Euro (€450) each.

In terms of article 533 of the Criminal Code, condemns the accused in solidum to the payment of Forty-one euro Thirty cents (€41.30) representing costs incurred in the employment in the proceedings of an interpreter. The said costs are to be paid within two (2) months commencing today.

The Court also orders the confiscation of all the objects exhibited in Court.

The Court explained to the defendants in ordinary language the significance of this judgement and of the consequences thereof.

Finally, the Court orders that the records of these proceedings be transmitted to the Attorney General within six working days.

(ft.) Dr. Brigitte Sultana
Magistrate

(ft.) Daniel Sacco
Deputy Registrar

True Copy

For the Registrar