



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

**MAGISTRATE DR MARSE-ANN FARRUGIA LL.D.**

**Sitting held today Monday, 21st October 2024**

**The Republic of Malta  
(Inspector Francesco Mizzi)**

**vs**

**Dusan Penzes**

The Court,

1. Having seen charges brought against:

Dusan Penzes, 42 years of age, son of Peter and Vera maiden name Corogar, born in Belgrade, Serbia on the 27 of January 1981, residing at Corradino Correctional Facility and holder of Slovenian Identity Card number 5893221.

Charged for having, during the day, on the 19th of September 2023 in Gorg Borg Olivier Street, Mellieħa and/or elsewhere in these Islands:

1. Committed theft of money and/or object/s from inside a vehicle bearing registration number DQZ 163, which theft is aggravated by the nature of the thing stolen and the amount, which amount of the things stolen does not exceed two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) and this was done

to the detriment of Joshep De Villa and/or any other person/s and/or any other entity and/or other entities;

Articles 261(c)(g), 267, 271(g), 279(a) and 280(1) of Chapter 9 of the Laws of Malta).

In case of guilt, the Court was requested to consider Dusan Penzes as a recidivist after being sentenced for an offence/s by a judgement of the Court of Magistrates (Malta) as a Court of Criminal Judicature which has become res judicata and this is in terms of Articles 49, 50 and 289 of Chapter 9 of the Laws of Malta.

In case of guilt for the crime mentioned above, the Court was requested to apply against the offender the provisions of Articles 15A and/or 28H of Chapter 9 of the Laws of Malta, in addition to inflicting the punishment established by law;

The Court was also requested, that in the case of guilt, in addition to the punishment established by law, orders the person convicted to pay the costs incurred in connection to the employment of any experts as provided in Article 533 of Chapter 9 of the Laws of Malta.

2. Having seen the consent of the Attorney General in terms of Article 370(4) of the Criminal Code for this case to be dealt with summarily and having heard the defendant declare that he has no objection that his case be dealt with in this manner.
3. Having seen all the records of the case and the documents exhibited.
4. Having heard the defendant plead guilty to the charge brought against him in the sitting held today.
4. The Court warned the defendant of the serious consequences of his registering a guilty plea, and in particular that the maximum punishment for the offence preferred against him is four (4) years imprisonment and suspended the sitting so that the defendant could consult with his defense lawyer to see whether he wanted to retract his guilty plea.
5. When the case was called again, the Court asked the defendant whether he had enough time to consult his defense lawyer and he answered in the affirmative, and when asked

by the Court whether he was going to confirm his guilty plea, the defendant replied in the affirmative.

6. Having heard the oral submissions of the parties on punishment.

### **Considerations of this Court**

7. In view of the guilty plea registered by the defendant himself, the Court finds the defendant guilty of all the charges preferred against him.
8. As regards punishment, the Court took into account the fact that the defendant co-operated with the Police, and registered a guilty plea at a very early stage of the proceedings, and hence he did not waste time and money of the Police and of this Court.
9. The defendant is currently serving a sixty (60) month period of imprisonment, following a judgement of this Court, differently presided delivered on the 12<sup>th</sup> October 2023, where he was found guilty of various thefts committed at the same time as the theft which forms the merits of these proceedings, as well as committing these crimes during the operational period of a previous suspended sentence. Both the Prosecution and the defence submitted that in view of this fact, the defendant should be given an opportunity that whilst in prison he is given the necessary assistance to help him not to repeat similar offences once he is out of prison. The Court agrees with this submission.

### **Conclusion**

10. In view of the abovementioned reasons, the Court:
  1. after seeing Articles 261(c) and (g), 267, 271(g), 279(a), 280(1), 49, 50 and 289 of the Criminal Code, Chapter 9 of the Laws of Malta finds the defendant guilty of all charges preferred against him, but in the light of the all the circumstances of the case and by applying Article 7 of Chapter 446 of the Laws of Malta, the Court is

putting the defendant under a Probation Order for a period of three (3) years from today, with the strict conditions which are being imposed in the Probation Order herewith annexed, which forms an integral part of this judgement.

11. The Court warned the defendant in simple language that if he commits another offence during the period of the Probation Order, or if he fails to abide by one of the conditions stipulated in the Probation Order, he can be condemned for the offences for which this Order has been issued, and the defendant has expressed his will to abide by the conditions of this Order.
12. The Court orders that a copy of this judgement, including the Probation Order herewith annexed be sent to the Director of Probation Services and Parole.

**Magistrate**

**Doreen Pickard**

**Deputy Registrar**