



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

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

**Sitting held today Monday 11th November 2024**

**The Republic of Malta  
(Inspector Francesca Maria Calleja)**

**vs**

**Lucky Ewere**

The Court:

1. Having seen charges brought against:

Lucky Ewere, thirty-four (34) years of age, son of Ewere and Veru, a Nigerian national, born in Nigeria, on the fourteenth (14<sup>th</sup>) of February the year nineteen ninety (1990), residing at Sea Line, Block B, Flat 8, Saint Paul Street, Saint Paul Bay, Malta and holder of Nigerian Passport number A12904912;

Charged with having, sometime between nine in the morning (09:00) and midday (12:00) on the fifteenth (15<sup>th</sup>) of September two thousand and twenty-four (2024), in Convenience Shop situated in Francisco Ximenes Street, Naxxar (Salini) and/or elsewhere in these Islands:

1. Committed the crime of theft of money or other objects which theft is aggravated by amount which value exceeds the amount of two hundred and thirty-two Euro and ninety-four cents (€232.94) but does not exceed two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) to the detriment of Timothy Cassar and/or Convenience Shop and/or other entities;  
*Articles 261(c), 267 and 279(a) of Chapter 9 of the Laws of Malta*

And also

Between the time of nine in the evening (21:00) and eleven in the night (23:00) on the sixteenth (16<sup>th</sup>) of September two thousand and twenty-four (2024), inside Convenience Shop situated in Francisco Ximenes, Naxxar (Salini) and/or elsewhere in these Islands:

2. committed the crime of theft of objects which theft is aggravated by time to the detriment of Timothy Cassar and/or Convenience Shop and/or other entities;  
*Articles 261 (f), 270 and 281(a) of Chapter 9 of the Laws of Malta*

This Court was requested in the event of guilt to apply Article 15A and 532A, of Chapter 9 of the Laws of Malta;

This Court was requested to provide security for Timothy Cassar as the Court sees fit and necessary and under all the conditions that deems appropriate, issues an order of protection in terms of Article 412C, of Chapter 9 of the Laws of Malta;

The Court was requested that in the case of guilt, in addition to the punishment in accordance to the law, orders the accused to pay the costs incurred in terms of Article 533 of the Criminal Code, 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 seen that in today's sitting, the defendant pleaded guilty to the charges brought against him.
5. The Court warned the defendant of the serious consequences of his registering a guilty plea and in particular that the maximum punishment for the offences preferred against him is of four (4) years imprisonment.
6. The Court suspended the sitting so that the defendant could consult with his defence lawyers to see whether he wanted to retract his guilty plea.
7. When the case was called again, the Court asked the defendant whether he had enough time to consult his defense lawyers 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.
8. The Court heard the oral submissions by the parties on the punishment.

### **Considerations of this Court**

9. In view of the guilty plea registered by the defendant himself, the Court finds the defendant guilty of all the charges preferred against him.
10. As regards punishment, the Court took into account the fact that the defendant registered a guilty plea at an early stage of the proceedings, and hence he did not waste the time and resources of the Police and of this Court.
11. The total amount of money stolen in the two thefts was of four hundred and twenty Euro (€420.00), and in both cases the defendant did not take the money out of the building, and it was given back to the victim.
12. The defendant has been in Malta since 2021 and till now he has a clean criminal record.

## **Conclusion**

13. In view of the abovementioned reasons, the Court:
  1. after seeing Articles 261(c), 267, 279(a), 261(f), 270 and 281(a) of the Criminal Code, Chapter 9 of the Laws of Malta, finds the defendant guilty of all charges preferred against him, but after taking into account all the circumstances of the case, is condemning him to a period of one (1) year imprisonment, which is being suspended for a period of three (3) years from to-day, in terms of Article 28A(1) of Chapter 9 of the Laws of Malta.
14. In accordance with Article 28A(4) of Chapter 9 of the Laws of Malta, the Court explained in clear and simple language the meaning of this judgement to the defendant, and the consequences if he commits another offence punishable with imprisonment within the operative period.

## **Magistrate**

**Doreen Pickard**  
**Deputy Registrar**