



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

Magistrate Dr Monica Vella LL.D., M.Jur.

**The Police
[Inspector Ritienne Gauci]**

vs

Denys Mazenko

Today, 26th January 2023

The Court;

Having seen the accusations brought against:

“**Denys Mazenko** of 44 years, son of Staniskal and Maria nee’ Troskyna, born in Ukraine on the 13th March, 1978 and currently without a fixed address, and holder of Identity Card number 211232(A);

And charge him with having, on the 16th January 2023, at around 2.45pm, from Smart Supermarket situated in Naxxar Road, Birkirkara:-

1. Committed theft of alcohol to the detriment of Smart Supermarket and/or of other persons, and/or any other entity, which theft is qualified by means;
2. On the 1st November, 2022 at around 5:30pm at Intercomp Campus Hub committed theft of Apple watch to the detriment of Intercomp Ltd., and/or of other persons, and/or any other entity, which theft is qualified by means and with the value of stolen items does not exceed the sum of two thousand and three hundred and twenty-nine Euro and thirty-seven cents (€2,329.37);
3. And on the same date, place, time and circumstances wilfully destroyed or damaged or fluffed another's property, movable or immovable, which damage does not exceed €250 to the detriment of Intercomp Malta;
4. On the 09th January, 2023 at around 17.30 at Intrecomp Campus Hub, Triq tal-Qroqq, Msida wilfully destroyed or damaged or flooded another's property, movable or immovable, which damage does not exceed €250 to the detriment of Intercomp Malta;
5. On the 11th January 2023 at around 1.15pm and 2.00pm from Smart supermarket situated in Naxxar Road, Birkirkara committed theft of alcohol to the detriment of Smart supermarket, and/or of other persons, and/or any other entity, which theft is qualified by means;
6. On the 14th January 2023 at around 1.00pm and 2.00pm from Intercomp, situated in Arkadia shopping complex, Triq

Fortunato Mizzi, Rabat Gozo, committed theft of several electronic equipment tot the detriment of Intercomp Ltd, and/or of other persons, and/or any other entity, which theft is qualified by means and with the value of stolen items which does not exceed the sum of two thousand and three hundred and twenty-nine Euro and thirty-seven cents (€2,329.37);

7. And on the same date, place, time and circumstances wilfully destroyed or damaged or flooded another's property, movable or immovable, which damage does not exceed €250 to the detriment of Intercomp Malta.

The Court is being kindly requested that when pronouncing judgement or in any subsequent order, sentence the person convicted, to the payment, wholly or in part, to the registrar, of the costs incurred in connection with the employment in the proceedings of any expert or referee, including such experts as would have been appointed in the examination of the process verbal of the inquiry, within such period and in such amount as shall be determined in the judgement or order.

Thus, while exhibiting the conviction sheet and other documents related to the identity of Denys Mazenko, I humbly request that this case is investigated according to Law.”

Having seen all documents exhibited by the Prosecution;

Having seen the records of the case;

Having seen the consent of the Attorney General for the case to be tried summarily;

Having duly considered all the records of the case and all submissions made;

Having explained to both the accused the charges brought against them;

Having heard the accused **Denys Mazenko** plead guilty to said charges in today's sitting;

Having warned the accused of the legal consequences of such guilty plea and having given the accused further time to reconsider his guilty plea and having heard the accused reconfirm his guilty plea during his arraignment before this Court and thus said guilty plea was registered in the acts of today's sitting, the 27th of January 2023;

Having heard the submissions made by the Prosecution and by the Defence;

Considers:

The Facts of the Case

This case relates to the accusations against the accused of (1) stealing alcoholic drink items from Smart Supermarket, (2) stealing electronic equipment from Intercomp Campus Hub and from Intercomp, situated in Arkadia Shopping Complex, Triq Fortunato Mizzi, Rabat Gozo, causing damage to property belonging to Intercomp in the process, which theft did not exceed the amount of the sum of two thousand and three hundred and twenty-nine Euro and thirty-seven cents (€2,329.37) on each occasion

Considers:

That thus upon such guilty plea the Court can only find the accused guilty as charged;

That in pronouncing its judgement the Court is hereby taking into consideration the fact that the accused registered an early guilty plea, that the accused collaborated with the Police, and the nature and gravity of the accusations with which he is charged;

Decides:

Thus, the Court, after having seen Articles 261(b)(c), 263(a), 264(1), 267, 278(1)(2), 279(a), 325(1)(c) and 533 of Chapter 9 of the Laws of Malta hereby finds the accused guilty as charged and condemns the accused to a term of imprisonment of nine (9) months which by the application of Article 28A of Chapter 9 of the Laws of Malta is being suspended for four years.

The Court explained to the accused in simple and clear language his obligations arising out of this judgement.

Magistrate Dr. Monica Vella LL.D., M.Jur

Angelo Buttigieg

Deputy Registrar