



**Court of Magistrates (Malta)
As A Court of Criminal Judicature**

Magistrate Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)

Today, the 18th December, 2024

Criminal Proceedings No. 1024/2024

The Republic of Malta
-vs-
Romi Yohanes, holder of Police Number 20BB-019.

The Court,

Having seen the charges brought against the person charged **Romi Yohanes** who is being charged with having:

On the 9th of December 2024 at sometime between one in the morning (01:00am) and four in the morning (04:00am) in **Triq il-Musbieh** in **Birzebbuga** and/or elsewhere in these Islands:

1. With the intent of committing a crime, manifested such intent by overt acts which were followed by a commencement of the execution of the crime, which crime was not completed in consequence of some accidental cause independent of his will and if it had been completed such crime would have been the crime of theft, which theft would have been aggravated by **time** and by **the nature of the thing stolen** and this was done to the detriment of **Melanie Cutajar** and/or any other person/s and/or any other entity and/or other entities and this in violation of **articles 41(1)(a), 261(f)(g), 270, 271(g), and 281(a)(b) of Chapter 9 of the Laws of Malta.**

2. And furthermore on the same date, place and time, wilfully committed damage upon a movable property belonging to another person, which damage does not exceed two hundred and fifty euro (€250) and this was done to the detriment of Melanie Cutajar and/or any other person/s and/or any other entity and/or other entities and this in violation of **article 325(1)(c) of Chapter 9 of the Laws of Malta**.
3. And furthermore on the same date, place and time, threw down, dropped, left, or otherwise spilled or deposited litter in a public place, street, sea, or open space to which the public has access, without being lawfully authorized to do so and this in violation of **Regulations 4 and 10(1) of Subsidiary Legislation 549.40**;
4. And furthermore on the same date, place and time, assaulted or resisted by violence or active force not amounting to public violence, any person lawfully charged with a public duty when in the execution of the law or of a lawful order issued by a competent authority and this in violation of **article 96(a) of Chapter 9 of the Laws of Malta**.
5. And furthermore on the same date, place and time, disobeyed the lawful orders of any authority or of any person entrusted with a public service, or hindered or obstructed such person in the exercise of his duties, or otherwise unduly interfered with the exercise of such duties, either by preventing other persons from doing what they are lawfully enjoined or allowed to do, or frustrating or undoing what has been lawfully done by other persons, or in any other manner whatsoever and this in violation of **article 338(ee) of Chapter 9 of the Laws of Malta**.
6. And furthermore on the same date, place and time, rendered himself guilty of simple escape or escaped from the custody of the person or persons charged with his custody and this in violation of **articles 151 and 160 of Chapter 9 of the Laws of Malta**.

And furthermore, for having, on the 22nd of September 2024 at sometime between one in the morning (01:00am) and five in the morning (05:00am) in Triq tal-Papa in Birżebbuġa and/or elsewhere in these Islands:

7. With the intent of committing a crime, manifested such intent by overt acts which were followed by a commencement of the execution of the crime, which crime was not completed in consequence of some accidental cause independent of his will and if it had been completed such crime would have been the crime of theft, which theft would have been aggravated by **time** and by **the nature of the thing stolen** and this was done to the detriment of **Joseph Cardona** and/or any other person/s and/or any other entity and/or other entities and this in violation

of **articles 41(1)(a), 261(f)(g), 270, 271(g), and 281(a)(b) of Chapter 9 of the Laws of Malta.**

And furthermore, for having, on the 22nd of September 2024 at sometime between one in the morning (01:00am) and five in the morning (05:00am) in Triq il-Kangu in Birżebbuġa and/or elsewhere in these Islands:

8. With the intent of committing a crime, manifested such intent by overt acts which were followed by a commencement of the execution of the crime, which crime was not completed in consequence of some accidental cause independent of his will and if it had been completed such crime would have been the crime of theft, which theft would have been aggravated by **time** and by **the nature of the thing stolen** and this was done to the detriment of **Daniel Spiteri** and/or any other person/s and/or any other entity and/or other entities and this in violation of **articles 41(1)(a), 261(f)(g), 270, 271(g), and 281(a)(b) of Chapter 9 of the Laws of Malta.**
9. And furthermore on the same date, place and time, wilfully committed damage upon a movable property belonging to another person, which damage does not exceed two hundred and fifty euro (€250) and this was done to the detriment of **Daniel Spiteri** and/or any other person/s and/or any other entity and/or other entities and this in violation of **article 325(1)(c) of Chapter 9 of the Laws of Malta.**

And furthermore, for having, on the 22nd of September 2024 at sometime between three in the morning (03:00am) and seven in the morning (07:00am) in Triq Ferdinand Stuflessor II in Birżebbuġa and/or elsewhere in these Islands:

10. Committed theft of money and/or other objects, which theft is aggravated by **time** and by the **nature of the thing stolen**, and this was done to the detriment of **Ann-Marie Dalli** and/or any other person/s and/or any other entity and/or other entities and this in violation of **articles 261(f)(g), 270, 271(g), and 281(a)(b) of Chapter 9 of the Laws of Malta.**
11. And furthermore on the same date, place and time, wilfully committed damage upon a movable property belonging to another person, which damage does not exceed two hundred and fifty euro (€250) and this was done to the detriment of **Ann-Marie Dalli** and/or any other person/s and/or any other entity and/or other entities and this in violation of **article 325(1)(c) of Chapter 9 of the Laws of Malta.**

And furthermore, for having, on the 1st of September 2024 at sometime between two in the morning (02:00am) and five in the morning (05:00am) in Triq tal-Gurgier in Birżebbuġa and/or elsewhere in these Islands:

12. With the intent of committing a crime, manifested such intent by overt acts which were followed by a commencement of the execution of the crime, which crime was not completed in consequence of some accidental cause independent of his will and if it had been completed such crime would have been the crime of theft, which theft would have been aggravated by **time** and by **the nature of the thing stolen** and this was done to the detriment of **Francis Borg** and/or any other person/s and/or any other entity and/or other entities and this in violation of **articles 41(1)(a), 261(f)(g), 270, 271(g), and 281(a)(b) of Chapter 9 of the Laws of Malta.**

And furthermore, for having, on the 29th of August 2024 at sometime between six in the morning (06:00am) and ten in the morning (10:00am) in Triq Arturo Issel in Birżebbuġa and/or elsewhere in these Islands:

13. Committed theft of money and/or other objects, which theft is aggravated by the nature of the thing stolen, and this was done to the detriment of **Marco Camilleri** and/or any other person/s and/or any other entity and/or other entities and this in violation of **articles 261(g), 271(g), and 281(a) of Chapter 9 of the Laws of Malta.**

14. And furthermore on the same date, place and time, wilfully committed damage upon a movable property belonging to another person, which damage does not exceed two hundred and fifty euro (€250) and this was done to the detriment of **Marco Camilleri** and/or any other person/s and/or any other entity and/or other entities and this in violation of **article 325(1)(c) of Chapter 9 of the Laws of Malta.**

15. And furthermore on the same date, place and time, as a person different than the holder thereof, had in his possession, any identity document not belonging to him and this in violation of **articles 22(1) and 24(1) of Chapter 258 of the Laws of Malta.**

16. And furthermore on the same date, place and time, as a person who came into possession of an identity document issued to some other person, did not forthwith deliver or forward the same to the holder thereof or to the authorised officer and this in violation of **articles 22(2) and 24(1) of Chapter 258 of the Laws of Malta.**

And furthermore, for having, on the 9th of December, 2024 and/or in the preceding days/ and/or in the preceding weeks and/or in the preceding months in various places in the Maltese Islands:

17. On becoming aware that any property in his possession is stolen property or property misapplied or obtained by means of any offence, failed to give notice thereof to the Executive Police within a week of becoming so aware and this in

violation of **article 334A of Chapter 9 of the Laws of Malta.**

18. And furthermore on the same date, place and time, led an idle and vagrant life and this in violation of **article 338(w) of Chapter 9 of the Laws of Malta.**

The Court was requested to consider Romi Yohanes as a recidivist in case of guilt, by virtue of a sentence that 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 all the crimes mentioned above or for only one or some of them, the Court was requested to use against the offender the provisions of Article 15A of the Criminal Code, and this is in addition to inflicting the penalty or penalties established by law;

The Court was also requested to apply article 532B and article 533 of Chapter 9 of the Laws of Malta, with regards to the expenses incurred by the Court appointed Experts.

Having Considered,

Whereas having, during the sitting held on the 10th December 2024, heard the person charged plead guilty to the charges brought against him notwithstanding the fact that the Court warned him in the most solemn manner of the legal consequences of his guilty plea, and after having given him sufficient time within which to reconsider and withdraw his guilty plea;

Having heard witnesses;

Having seen all the acts and documents exhibited;

Having heard the prosecution and defence counsel make their submissions;

Considers,

Having heard the defendant plead guilty to the charges brought against him, the Court has no alternative but to declare him guilty of the said charges.

PUNISHMENT

In its considerations on punishment the Court took note of the defendant's early admission of guilt, his clean criminal record, the nature of the offences of which he stands charged and the circumstances of the case.

The court noted that the provisions of article 18 of the Criminal Code apply with regards to the offence of theft.

Moreover the second, ninth, eleventh, fourteenth and fifteenth offences served as a means to the commission of the first, eight, tenth, thirteenth and sixteenth offences respectively.

DECIDE

In view of the foregoing, the Court, after having seen Articles 17(b)(f)(h), 18, 31, 41(1)(a), 49, 50, 96(a), 151, 160, 261(f)(g), 270, 271(g), 281(a)(b), 289, 325(1)(c), 338(ee) and 334A of the Criminal Code, Chapter 9 of the Laws of Malta, Articles 22(1) and 24(1) of the Identity Card and other Identity Documents Act, Chapter 258 of the Laws of Malta, and regulations 4 and 10(1) of the Abandonment, Dumping and Disposal of Waste in Streets and Public Places or Areas Regulations, S.L. 549.40, finds the defendant guilty of all charges brought against him and condemns him to the punishment of two (2) years imprisonment and the payment of a fine, *multa*, of four thousand (€4,000) Euros.

Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)
Magistrate