



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

MAGISTRATE DR. GIANNELLA CAMILLERI BUSUTTIL
B.A., M.A. (Fin. Serv.), LL.D.

Today 17th March 2025

Case Number: 207/2025

The Republic of Malta

vs

Joshua Killingback

Omissis

The Court,

Having seen the charges brought against the accused **Joshua Killingback**, thirty-three (33) years of age, son of Terry and Sarah nee' West, born in England (United Kingdom) on the twenty-sixth (26) day of September of the year one thousand nine hundred and ninety-one (1991), residing at forty (40), Triq Samuel Taylor Coleridge, Gzira and holder of Maltese residence permit number 078458A; and **Omissis**;

In the name of the Republic of Malta, we hereby charge:

1. Joshua Killingback alone, with having on the first (1) of March of the year two thousand and twenty-five (2025) between half ten o'clock in the

morning (1030hrs) and quarter past eleven o'clock in the morning (1115hrs) inside the establishment K-Optics on Tower Road, Sliema and/or elsewhere on these Islands, committed theft of sunglasses, which theft is aggravated by "amount" to the detriment of K-Optics Company Limited (C 10959), Keith Camilleri and/or of any other person/s and/or of any other entity or entities;

2. And furthermore Omissis alone, with having at the same time, place and circumstances, rendered himself complicit in the theft of sunglasses, which theft is aggravated by "amount" to the detriment of K-Optics Company Limited (C 10959), Keith Camilleri and/or of any other person/s and/or of any other entity or entities;
3. And furthermore Joshua Killingback alone with having, at the same time, place, and circumstances, failed to observe any of the conditions imposed by the Court of Magistrates (Malta) in its decree of the thirtieth (30th) of January of the year two thousand and sixteen (2016) granting him bail;
4. And furthermore both together, with having at the same time, place and circumstances, rendered themselves recidivists following judgments which are final and may not be altered;
5. And furthermore Omissis alone, with having at the same time, place and circumstances, committed these offences, for which a punishment of imprisonment is contemplated, during the operative period of a suspended sentence meted out against him by the Court of Magistrates (Malta) as a Court of Criminal Judicature on the second (2nd) of July of the year two thousand and twenty-four (2024);

In the event that the persons charged be found guilty of one or more of the offences attributed to them, this Court is requested, in addition to any punishment it deems fit, to impose the provisions of Article 15A of Chapter 9 of the Laws of Malta and/or every other article of the Law that orders the payment of compensation or restitution to the injured party;

In the event that the persons charged be found guilty of one or more of the offences attributed to them, this Court is furthermore being requested, in addition

to any punishment it deems fit, to impose the provisions of Article 532B and/or 533 of Chapter 9 of the Laws of Malta;

This Court is furthermore being requested in terms of the provisions of Article 579(3) of Chapter 9 of the Laws of Malta to revoke the bail guarantee and order the arrest of the person charged Joshua Killingback anew owing to the fact that proceedings before the Court of Magistrates, during which he was granted bail, are ongoing;

This Court is furthermore being requested that, in case of guilt, the quantum of personal guarantee and the deposit established in the bail bond delineated in the decree of the Court of Magistrates in favour of Joshua Killingback be confiscated in whole or in part in favour of the Government of Malta according to the assessment of this Court of the seriousness of the offence;

Having seen the records of the case;

Having seen that the accused **Joshua Killingback** pleaded guilty to the charges brought against him, which guilty plea was reiterated by the accused after that the Court explained to him the legal consequences of his guilty plea and gave him sufficient time to reconsider and withdraw his guilty plea;

Having heard submissions regarding punishment by the prosecution and the defence counsel.

Considers that:

The accused pleaded guilty to the charges brought against him and thus these have been sufficiently proven.

With reference to the punishment to be meted out, this Court is taking into account, the nature of the charges of which the accused is being found guilty, the circumstances of the case, the fact that the accused pleaded guilty at the earliest possible opportunity in these proceedings and the fact that he cooperated fully with the Police during the investigations.

The Court is also taking into consideration the fact that the prosecution and the defence counsel agreed that the value of the stolen objects amounts to three hundred and four euros and sixty five cents (€304.65).

Conclusion

For these reasons, the Court, after having seen Articles 17, 261(c), 267, 279(a), 289, 579(2), 49, 50 and 533 of the Criminal Code, Chapter 9 of the Laws of Malta, upon his admission, finds the accused Joshua Killingback guilty of the charges brought against him and condemns him to a punishment of six (6) months effective imprisonment – from which term one must deduct the period of time, prior to this judgement, during which the person sentenced has been kept in preventive custody in connection with the offences in respect of which he is being found guilty by means of this judgement - and condemns him to a fine (multa) amounting to four hundred euros (€400), which fine (multa) must be paid within a period of eight months from the date when he serves his sentence of imprisonment, by means of monthly installments each amounting to fifty euros (€50). Should the accused fail to pay any one or more installments, the whole amount outstanding shall become immediately due and payable, and all the provisions of the Criminal Code, Chapter 9 of the Laws of Malta, applicable to the imposition of a fine (multa) and to the imprisonment in default of payment thereof, shall apply accordingly.

The Court is also ordering the forfeiture in favour of the Government of Malta, the sum of four hundred euros (€400) representing part of the deposit referred to in the decree delivered by the Court of Magistrates (Malta) on the thirtieth (30th) January of the year two thousand and sixteen (2016), by means of which the accused was released on bail in the proceedings in the names The Police (Inspector Herman Mula) -vs- Joshua Killingback.

In view of the declaration of the prosecution, that they are not insisting on the request for the revocation of bail, the Court abstains from taking further cognisance of the prosecution's request for the revocation of bail and the re-arrest of the accused.

In terms of Article 15A of the Criminal Code, Chapter 9 of the Laws of Malta, the Court orders Joshua Killingback to make complete restitution to K-Optics

Company Limited (C10959), the amount of three hundred and four euros and sixty five cents (€304.65), which amount is to be wholly paid within nine (9) months from the date of the judgement. This order shall constitute an executive title for all intents and purposes of the Code of Organisation and Civil Procedure.

Furthermore, in view of the fact that no experts were appointed in this case, the Court abstains from taking further cognisance of the prosecution's request in terms of Article 533 of the Criminal Code, Chapter 9 of the Laws of Malta

The Court orders that a copy of this judgement is served upon the Registrar of the Criminal Courts and Tribunals for it to be inserted by means of a note in the acts of the proceedings in the names The Police -vs- Joshua Killingback before this Court presided by Magistrate Dr. Caroline Farrugia Frendo.

In terms of Section 392A(2) of the Criminal Code, Chapter 9 of the Laws of Malta, the Court orders that within six (6) working days from the date of this judgement, the Attorney General shall be given access to a scanned copy of the records, together with access to a scanned copy of the judgment.

Magistrate Dr. Giannella Camilleri Busuttil

Deputy Registrar Michela Attard Deguara