



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

MAGISTRATE DR. GIANNELLA CAMILLERI BUSUTTIL

B.A., M.A. (Fin. Serv.), LL.D.

Today 6th June 2024

Case Number: 4452/2024

The Republic of Malta

Vs

James Rooney

James Edward David Mahon

The Court,

Having seen the charges brought against the accused **James Rooney**, son of Ben and Julianne Rooney born on the twentieth (20th) of October of the year two thousand and one (2001) in Liverpool, of British nationality, residing at 17, Comus Street, Liverpool, and holder of UK Passport numbered 138822699 and **James Edward David Mahon**, son of David and Kirsty Mahon, born on the first (1st) of May of the year two thousand and five (2005) in Liverpool, of British nationality, residing at 24, Penrose Street, Liverpool, and holder of UK Passport numbered 132192285;

On behalf of the Republic of Malta, we charge them with having on the fifth (5th) of June of the year two thousand and twenty-four (2024) between ten o'clock in

the morning (10:00hrs) and quarter to eleven o'clock in the morning (10:45hrs), at Malta's International Airport, Gudja:

1. Committed theft of three (3) perfumes, one (1) carton of cigarettes and twenty (20) packets of roll-your-own tobacco to the detriment of the establishment "Dufry", and/or to the detriment of any other person/s and/or to any other entity/entities, and which theft is aggravated by "amount" exceeding two hundred thirty-two euro and ninety-four cents (€232.94) but not exceeding two thousand, three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), and this in violation of Articles 267 and 279(a) of the Criminal Code, Chapter 9 of the Laws of Malta;

This Honourable Court is being requested that, in the case that the persons charged are found guilty of the charge against them, it order them, jointly or severally, 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, according to Article 533 of Chapter 9 of the Laws of Malta;

This Honourable Court is furthermore being requested that, in the case that the persons charged are found guilty of the charge against them, it enforce against them the provisions of Articles 15A, 23 and 28H of the Criminal Code, Chapter 9 of the Laws of Malta, and this without prejudice to the imposition of punishment for the offence according to Law;

Having seen the records of the case;

Having seen that both the accused pleaded guilty to the charge brought against them, which guilty plea was reiterated by both the accused after that the Court explained to them the legal consequences of their guilty plea and gave them sufficient time to reconsider and withdraw their guilty plea;

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

Considers that:

Both the accused pleaded guilty to the charge brought against them and thus this has been sufficiently proven.

With reference to the punishment to be meted out, this Court is taking into account, the fact that the accused pleaded guilty at the earliest possible opportunity in these proceedings and the fact that they cooperated fully with the Police during the investigations. The Court is also taking into account the circumstances of the case and the declaration by the prosecution that in this case they are not insisting on a punishment of effective imprisonment.

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 five hundred and thirty five euros (€535) and that all the stolen objects were retrieved and are being returned to the injured party.

Conclusion

For these reasons, the Court, after having seen Articles 261(c), 267 and 279(a) of the Criminal Code, Chapter 9 of the Laws of Malta, finds the accused **James Rooney** and **James Edward David Mahon** guilty of the charge brought against them and condemns them each to six months imprisonment, which by application of Article 28A of the Criminal Code, Chapter 9 of the Laws of Malta, is being suspended for a period of two (2) years from today.

The Court explained to the persons sentenced, in clear and simple terms, the legal consequences of this judgement, should they commit any other offence punishable by imprisonment within the operative period of the suspended sentence.

In view of the fact that the prosecution declared that all the stolen objects were retrieved and are being returned to the injured party, the Court abstains from taking any further cognizance of the prosecution's request in terms of Article 15A of the Criminal Code, Chapter 9 of the Laws of Malta.

Furthermore in view of the fact that no experts were appointed in these proceedings, 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.

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 Deguara