

**IN THE COURT OF MAGISTRATES (GOZO)
AS A COURT OF CRIMINAL JUDICATURE**

**Magistrate Dr. Jean Paul Grech B.A., LL.D
M.Juris (Int. Law), Adv. Trib. Eccl. Melit**

JUDGEMENT

Given today, the third (3rd) of April 2025

Case Number 1/2025

The Police

(Inspector Keith Xerri)

Vs

Jack Stubbs Gallagher

The Court,

Having seen the charges brought against **Jack Stubbs Gallagher**, son of Shane and Barbara nee' Stubbs, born in Ireland on the twentieth (20th) of June 1998 and residing at Wardija Court, Flat 1, Triq taç-Ċawl, Qala, Gozo and holder of Maltese Residence Permit number 0188447(A), for having between the sixth (6th) of August 2024 and the twenty-first (21st) of August 2024, within the Maltese Islands by committing several acts, even if at different times, which

constitute violations of the same provision of the law, and which were committed in pursuance of the same design:

(1) by reason of his profession, trade, business, management, office or service or in consequence of a necessary deposit, misapplied, converted to his own benefit or to the benefit of any other person, anything which had been entrusted or delivered to him under a title which implied an obligation to return such thing or to make use thereof for a specific purpose, to the detriment of Henri Saliba and Edward Zammit Tabona and Gozo Highspeed Limited and/or other persons or entities, which amount of damage caused exceeded five hundred Euro (€500) but did not exceed five thousand Euro (€5,000).¹

The Court was requested to order, in case of guilt, that the accused be liable for the payment of any expenses incurred in the proceedings.²

The Court was further requested that in case of guilt for the abovementioned crimes, and if it deems it appropriate, to order the offender to restore the offended party anything stolen from him or that he knowingly acquired by fraud or other unlawful gains to the detriment of that party by/or through the crime, or to pay that party an amount of money as may be determined by the Court as compensation for that loss as mentioned or for any damages or offense or other damage according to article 15A of Chapter 9 of the Laws of Malta, and/or article 532A of the Criminal Code, and this in addition to inflicting the penalty or penalties established by law;

Having seen the documents filed by the Prosecuting Officer;

Having seen the consent given by the Attorney General in accordance with article 370(4) of Chapter 9 of the Laws of Malta for the case to be dealt with summarily by this Court;

¹ Articles 293, 294 and 310(1)(b) of Chapter 9 of the Laws of Malta.

² Article 533 of Chapter 9 of the Laws of Malta.

Having heard the accused admit to all charges brought against him;

Having warned the accused in the most solemn manner about the legal consequences emanating from such a declaration of guilt;

Having given him adequate time to reconsider his guilty plea;

Having heard the accused reconfirm his guilty plea;

Having seen that there are no valid reasons in accordance with article 392A(3) of Chapter 9 of the Laws of Malta for the Court to doubt whether the offences have really taken place and nor to doubt whether the accused is guilty of the offences brought against him;

Having heard submissions on punishment by the Prosecuting Officers and the Defence;

Considers;

The facts of the case are as follows: Gozo High Speed filed a report with the Victoria Police Station against the accused who used to work as a ticket seller with the company selling tickets to customers who use the fast ferry service. From verifications carried out by the company, it transpired that the accused had misappropriated the sum of four thousand six hundred and fourteen euros and seventy-five cents (€ 4,614.75) being amount generated from these ticket sales instead of handing the cash to the directors of the company. Though the accused was requested to refund this amount, he failed to do so and consequently this report was lodged.

Considers;

Since the accused admitted to the charges, the Court has no option but to find the accused guilty of all charges brought against him.

- **Decide**

Consequently following the accused's unconditional guilty plea, the Court after having seen articles 17, 18, 293, 294 and 310(1)(b) of Chapter 9 of the Laws of Malta, the Court is finding the accused guilty of all charges brought against him and is condemning him to six (6) months imprisonment but orders that this sentence is not to take effect unless during a period of one (1) year from today, the offender commits another offence punishable with imprisonment.

In terms of article 28A(4) of Chapter 9 of the Laws of Malta, the Court explained to the offender in ordinary language his liability under article 28B of Chapter 9, if during the operational period of this judgment he commits another offence punishable with imprisonment.

After having seen article 28H(1) of Chapter 9, the Court is also concurrently ordering the offender to pay Gozo Highspeed Limited the sum of four thousand, six hundred and fourteen euros and seventy-five cents (€4,614.75) being the amount misappropriated by the offender to the detriment of Gozo Highspeed Limited. Said payment is to be made by not later than six (6) months from today. This order of payment shall constitute an executive title for all intents and purposes of Chapter 12 of the Laws of Malta as if it were an order given by a competent Civil Court.

In terms of article 28H(8) of Chapter 9, the Court explained to the offender in ordinary language his liability under article 28H of Chapter 9 if he fails to comply with the direction to affect payment.

Dr. Jean Paul Grech
Magistrate

Joseph Grech
Deputy Registrar