



**The Court of Magistrates (Malta)**

**As a Court of Criminal Judicature**

**Magistrate Dr. Nadine Sant Lia**

**B.A., LL.M(Kent), LL.D; Barrister at Law (England & Wales)**

**Republic of Malta**

**vs**

**Michael Filson**

Today the 23rd April 2025

The Court having seen that the accused was arraigned under arrest

**Michael Filson**, 38 years of age, son of David Filson and Valerie Fourty, born in Liverpool, England on the 28th June 1986, residing at 32, Cradley, Widnes, Cheshire, WA87G and holder of **British Passport number 136655739**;

And charge him with having on the 30th March 2025, within the Maltese islands: -

1. Intentionally committed theft or other unlawful appropriation of a corporeal non-cash payment instrument to the detriment of Vania Josette Formosa

And charge also that with several acts committed by him, even if at different times, but which constitute violations of the same provision of the law, and were committed in pursuance of the same design between the 30<sup>th</sup> March 2025 and the 1<sup>st</sup> April 2025 within the Maltese Islands:

2. Committed simple theft to the detriment of Vania Josette Formosa
3. By means of any unlawful practice, or by the use of any fictitious name, or the assumption of any false designation, or by means of any other deceit, device or pretence calculated to lead to the belief in the existence of any fictitious enterprise or of any imaginary power, influence or credit, or to create the expectation or apprehension of any chimerical event and this through the use of a credit card, made any gain which gain does not exceed five hundred euro (€500) to the prejudice of Vania Josette Formosa and/or other entities or persons
4. Made to the prejudice of any other person, any other fraudulent gain not specified in the preceding articles of this Sub-title (Of Fraud)

The Court is requested, in case of guilt, to apply Section 533(1) of Chapter 9 of the Laws of Malta, as regards to the expenses incurred by the Court appointed Experts.

The court is requested in case of guilt, apart from applying punishments as prescribed by all, to apply every article assuring compensation and/or restitution to the victims in relation to the relevant offences.

Having seen that during the sitting of the 9<sup>th</sup> April 2025 the defendant entered a guilty plea in respect of the charges proffered against him and this after the Court repeatedly gave him the opportunity to seek legal advice from his legal counsel and after the Court was authorised to proceed nonetheless;

In view of the defendant's declaration, the Court warned him in the most solemn manner of the consequences arising out of his guilty plea and granted him a reasonable time within which to retract such guilty plea should he so wish. After the Court granted this time to the accused, and after giving him the option to seek advice from his legal counsel, the accused reiterated that he is guilty as charged.

In view of this declaration, duly reiterated, the Court has no option but to find the accused guilty as charged in accordance with article 392A of Chapter 9 of the Laws of Malta and could proceed to deliver judgment against him.

Having seen that there exist no valid reasons in accordance with article 392A(3) of Chapter 9 of the Laws of Malta for the Court to doubt the validity of such plea of admission, or that the accused is not guilty of the crimes with which he is charged. Therefore, the crimes are sufficiently proven.

Having seen the records of the proceedings as well as the documents filed together with the charge sheet and the particular circumstances of this case;

Having heard submissions by the parties on the punishment;

**Having Considered**

## **The facts of the case**

This case concerns theft done by the defendant towards Vania Josette Formosa after having come into the possession of her APS bank visa card.

## **Having considered**

### **The punishment**

The Court in its deliberations concerning the punishment took note of the following factors:

- The admission of the defendant. The defendant admitted during his arraignment at the first opportunity available to him. Therefore, the defendant should benefit from the fact that he registered an admission during the early course of proceedings and this shall serve in his favour in the circumstances of the cases. This is in line with the principles espoused in local case law that by registering an early plea, the Court is saved from entering into unnecessary expenses as well as administratively be able to expedite matters quicker. The Court here makes reference to the cases **Ir-Repubblika ta' Malta vs. Nicholas Azzopardi**<sup>1</sup>, **Il-Pulizija vs. Emmanuel Testa**<sup>2</sup>, as well as legal scholars **ARCHBOLD Sentencing Guidelines 2021**<sup>3</sup> and **BLACKSTONE'S CRIMINAL PRACTICE**<sup>4</sup> on this point.

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<sup>1</sup> Qorti Kriminali deciza 24 ta' Frar 1997

<sup>2</sup> Qorti tal-Appell Kriminali , [7.7.2002]

<sup>3</sup> Thomson Reuters, S-29

<sup>4</sup> Blackstone Press Limited – 2006 edition

- Article 142(1) of the Criminal Justice Act 2003 in England establishes five principles that should be considered when calibrating the appropriate punishment:

*(a) the punishment of offenders (b) the reduction of crime (including its reduction by deterrence) (c) the reform and rehabilitation of offenders (d) the protection of the public (e) the making of reparation by offenders to persons affected by their offence.*

- The defendant has a clean criminal record;
- The defendant has resituated back to the victim the full amount stolen and therefore the Court is not required to make an Order for Compensation in accordance with article 15A of the Criminal Code.
- The prosecution in its submissions to the Court on the appropriate penalty to be considered, reiterated that it was requesting an alternative to imprisonment in the form of a suspended sentence of two (2) years suspended by four (4) years and compensation to the victims.

The Court is not bound to apply the proposed terms of punishment by the prosecution or the defence, even when there is an agreement between the two sides.

The Court however notes that the proposed or suggested punishment is within the legal parameters and can be considered.

## Decide

The Court, upon the unconditional guilty plea registered by the accused charged and after having seen articles 18, 284, 285, 310 F (c) & 310 G (1), 308, 310 1 (c) 309, 310 1 (c) of the Criminal Code, Chapter 9 of the Laws of Malta, upon his voluntary admission finds Michael Filson **guilty** as charged of all the charges brought against him and condemns him to a term of effective imprisonment of **two (2)** years which in accordance to article 28A of the Chapter 9 of the Laws of Malta the said term is being suspended for four (4) years from today.

In terms of Article 28A(4) of Chapter 9 of the Laws of Malta, the Court explained to the accused in plain and simple language his liability under Article 28B of Chapter 9 of the Laws of Malta, if during the operational period of this suspended sentence he commits an offence punishable with imprisonment.

In view of the fact that the amount of one hundred and eighty three Euros and fifty three cents (€183.53) has been refunded to the victim in full, the Court is abstaining from making an order for compensation in accordance to article 15A and 28H of the Criminal Code to Vania Josette Formosa.

Furthermore, in view of the fact that no experts were appointed in this case, the Court abstains from taking further cognisance of the prosecutions requests in terms of Article 533 of Chapter 9 of the Laws of Malta.

Finally, the Court, after having seen Article 392A of the Criminal Code orders that this judgment together with the records of the proceedings be transmitted to the Attorney General within six working days in terms of law.

**Delivered today the 23<sup>rd</sup> April 2025, at the Courts of Justice in Valletta, Malta.**

**Dr. Nadine Sant Lia**  
**Magistrate**

**Courtney Zahra**  
**Deputy Registrar**