



MALTA

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

**MAGISTRATE DR.
ABIGAIL LOFARO**

Sitting of the 6th May, 2003

Number. 379/2003

Police
(Inspector Joseph Mercieca)

VS

Gareth Dowling

The Court;

Having seen the indictment brought against the above mentioned defendant, by virtue of which he was charged with having on the night between the 28th and the 29th April 2003, in Triq Sir Luigi Preziosi, St Pauls Bay, committed a theft from jeep registration no BBB937 to the detriment of Martin Scerri, which theft is aggravated by amount that does not exceed LM500 (Sect 267 of Chap 9) time (Sect 270 of Chap 9) and the nature of the thing stolen (Sect 271 (g) of Chap 9);

On the 29th April 2003 at about 3.15a.m. wilfully committed spoil and / or damage upon car registration No JBB328, make Fiat Uno, which damages do not exceed LM500, to the detriment of Anthony Schembri (Sect 325(1)(b) of Chap 9);

On the night between the 28th and the 29th April, 2003 in Bugibba and St Paul's Bay in public places and / or places open to the public he was drunk and incapable of taking care of himself (Sect 338(ff) of Chap. 9);

On the 30th April, 2003 at about 23 hrs in Triq Horatio Nelson, Qawra, wilfully committed spoil and / or damage upon car registration no AAE783, make Fiat Punto, which damages do not exceed LM500, to the detriment of Audrey Sant (Sect 325(1)(b) of Chap. 9);

The Court is requested to provide for the safety of Christian Matthew Kelly in terms of Sections 383 and 384 of Chapter 9;

Having heard defendant plead guilty to all charges in the presence of his defence council, find accused to be guilty as charged, after having seen sections 261(c), 261(f), 261(g), 267, 270, 271, 279, 280, 281, 325(1)(b), 338(ff), 339(1)(e), 383, 384, 370(4), 390(1), 392, 392(a), 17, 20, 21 and 28A of Chapter 9;

Considers for the purpose of punishment the fact that accused has a clean criminal record, co-operated fully with police during investigations and has fully compensated the victims of his crime;

Therefore does not consider imprisonment to be a fit punishment for the crimes and therefore condemns defendant to 2 years imprisonment suspended for a period of 4 years from today.

The Court declares that it has explained to defendant in plain language the legal import of this judgement.

The Court binds defendant to enter into his own recognisance to the amount of LM50 for a period of 12 months from today, so that he keeps away from Christian Matthew Kelly.

Informal Copy of Judgement

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