



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

**MAGISTRATE
DOREEN CLARKE**

Sitting of the 29th December, 2008

Number. 1283/2008

**The Police
(Inspector Keith Arnaud)
(Inspector Anna Maria Micallef)**

-vs-

Alfred Lewis St John

Criminal Inquiry number 1283/2008

Today the 29th day of December 2008

The Court,

Having seen the charges brought against **Alfred Lewis St John**, 36 years, son of Alfred and Patricia nee' Capstic, born in Leeds (England), on the 24th February 1972,

without a fixed address and holder of Maltese Identity card number 265104(L)

Charged with having committed 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. with having on the evening of the 10th December 2008, between 19:45hrs and 20:20hrs, from Marina Hotel, situated along The Strand Sliema, committed theft of several items to the detriment of John William Bailey, which offence of theft is aggravated by value in excess of € 232.94 (one hundred Maltese Liri) but not exceeding € 2,329.37 (one thousand Maltese Liri), by means and by time;

2. also with having on the 16th December 2008, between 13:30hrs and 14:30hrs, from Preluna Hotel, situated along Tower Road, Sliema, committed theft of cash and costume jewellery to the detriment of Bernard McDavid, which amount exceeds €23.29, but not more than €232.94, and is aggravated by means

3. also with having on the 20th December 2008, between 12 noon and 17:30hrs, from the Waterfront Hotel, situated at The Strand, Sliema, committed theft of foreign currency which amount does not exceed the amount of €232.94, to the detriment of Hoare Penelope Anne, and which theft is aggravated by means;

4. also with having on the 22nd December 2008 between 17:00hrs and 23:30hrs, from the Waterfront Hotel, situated at The Strand, Sliema, committed theft of several items most of which jewellery to the detriment of Mcfarlane William Thomas and Mcfarlane Maureen, which offence of theft is aggravated by value in excess of € 232.94 (one hundred Maltese Liri) but not exceeding €2,329.37 (one thousand Maltese Liri), by means and by time;

5. also with having between the 21st December 2008 and 23rd December 2008, from the Waterfront Hotel situated at the Strand, Sliema, with the intent to commit a crime, being a theft from same hotel, manifested such intent by overt acts which were followed by the commencement of the execution of the crime, where if offence would have been executed it would have been aggravated by means;

6. also with having on the 24th December 2008, between 15:00hrs and 16:30hrs, from the Fortina Hotel, situated along Tigne' Seafront, Sliema, committed theft of several jewellery to the detriment of Lynette Margaret Freeman and Michael Freeman, which offence of theft is aggravated by value in excess of € 232.94 (one hundred Maltese Liri) but not exceeding €2,329.37 (one thousand Maltese Liri), and by means;

7. also with having on the 25th December 2008, between 18:45hrs and 21:00hrs, from the Preluna hotel, situated in Tower Road, Sliema, committed theft of several items to the detriment of Schweinitzer Birgit, which offence of theft is aggravated by value in excess of € 232.94 (one hundred Maltese Liri) but not exceeding € 2,329.37 (one thousand Maltese Liri), by means and by time;

8. also with having on the 25th December 2008, between 20:30hrs and 23:00hrs from the Fortina Spa Hotel, situated along Tigne' Seafront, Sliema, with the intent to commit a crime, being a theft from same hotel, manifested such intent by overt acts which were followed by a commencement of the execution of the crime, where if offence would have been executed it would have been aggravated by means and by time;

9. also with having between the 20th December 2008 and the 24th December 2008, whilst inside the Waterfront Hotel situated along The Strand, Sliema, wilfully committed any spoil, damage or injury to or upon any immovable or movable property and hence on several doors, which amount of damage does not exceed one

thousand and one hundred and sixty-four euros and sixty-nine cents (€1,164.69) but exceeds one hundred and sixteen euros and forty-seven cents (€116.47), which damage was to the detriment of the Hotel Administrators;

10. also with having between the 24th December 2008 and the 25th December 2008, whilst inside the Fortina Hotel and Spa, situated along Tigne' Seafront, Sliema, wilfully committed any spoil, damage or injury to or upon any immovable or movable property and hence on several doors, which amount of damage does not exceed one thousand and one hundred and sixty-four euros and sixty-nine cents (€1,164.69) but exceeds one hundred and sixteen euros and forty-seven cents (€116.47), which damage was to the detriment of the Hotel Administrators;

11. also with having between the 16th December 2008 and the 25th December 2008, whilst inside the Preluna Hotel, situated in Tower Road, Sliema, wilfully committed any spoil, damage or injury to or upon any immovable or movable property and hence on several doors, which amount of damage does not exceed one thousand and one hundred and sixty-four euros and sixty-nine cents (€1,164.69) but exceeds one hundred and sixteen euros and forty-seven cents (€116.47), which damage was to the detriment of the Hotel Administrators;

12. also with having on the 10th of December 2008, whilst inside the Marina Hotel, situated along the Strand in, Sliema, wilfully committed any spoil, damage or injury to or upon any immovable or movable property and hence to several doors, which amount of damage does not exceed one thousand and one hundred and sixty-four euros and sixty-nine cents (€1,164.69) but exceeds one hundred and sixteen euros and forty-seven cents (€116.47), which damage was to the detriment the Hotel Administrators;

13. also with having on the 22nd December 2008, whilst inside the Park Hotel, in L. Graham, Sliema, wilfully committed any spoil, damage or injury to or upon any immovable or movable property and hence on several

doors, which amount of damage does not exceed one thousand and one hundred and sixty-four euros and sixty-nine cents (€1,164.69) but exceeds one hundred and sixteen euros and forty-seven cents (€116.47), which damage was to the detriment to the Hotel Administrators;

14. and also between the period of the 10th December 2008 and the 25th December 2008, in Malta knowingly received or purchased any property which has been stolen, which value exceeds the sum of €232.94, but not exceeds the some of €2.329.37, misapplied or obtained by means of any offence, whether committed in Malta or abroad, or shall knowingly took part, in any manner whatsoever, in the sale or disposal of the same;

Having seen sections 41(1)(a), 216(1)(b)(c)(f), 263, 264, 267, 270, 325 and 334 of Chapter 9 of the Laws of Malta.

Having heard the accused plead guilty to the charges, this not withstanding the fact that the Court warned him of the consequences of his plea and afforded to him sufficient time within which to withdraw his guilty plea.

Having seen the acts of the proceedings.

Having heard the oral submissions made by the parties.

Considered:

That the fourteenth charge (relating to receiving stolen goods) brought against the defendant was brought as an alternative to the charges of theft.

That the accused replied guilty to the charges brought against him consequently the charges are sufficiently proved.

That the accused co-operated with the competent authorities in their investigation and admitted the charges brought against him in the initial stages of the procedures; the accused has no criminal record.

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That the accused has a drug problem but is ready to seek help to rehabilitate himself.

For these reasons

The Court, after having seen sections 41(1)(a), 216(1)(b)(c)(f), 263, 264, 267, 270, and 325 of Chapter 9 of the Laws of Malta, whilst abstaining from taking further cognisance of the fourteenth charge, on defendant's admission finds him guilty of all the charges brought against him except for the fourteenth charge and by application of section 7 of Chapter 446 of the Laws of Malta places him under probation for a period of three years under various conditions listed in the probation order given today including the condition that the accused commences a rehabilitation programme and that he compensates the injured parties (the Waterfront Hotel, the Fortina Hotel and Spa, the Preluna Hotel, the Marina Hotel and the Park Hotel) for the damages caused by him.

The Court explained to the guilty party in ordinary language that if he commits an other offence during the period of three years he will may be sentenced for the original offence.

The Court orders that a copy of this judgement is served on the Director of Probation Services in order that an officer be assigned for the supervision of the guilty party.

< Final Judgement >

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