



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

**MAGISTRATE DR.
GABRIELLA VELLA**

Sitting of the 29th July, 2010

Number 767/2010

**Police
(Inspector Anne Marie Micallef)**

-vs-

Gary John Brooks

The Court,

After having seen the charge brought against Gary John Brooks, son of Michael and Jenny nee' Lindsay, born in London, England, on the 26th November 1968, residing at Orchid Mansions Block B, No.6, Triq il-Mejjiesa, Manikata, holder of British passport number 540400991, that on the 28th July 2010, at about three o'clock in the afternoon (15:00hrs), from inside the premises styled as 'Solaris' situated at Tower Road, Sliema, he committed theft from the mentioned premises of a pair sun glasses,

which theft was committed to the detriment of Catriona Arpa and/or other persons, which theft is aggravated by value which exceeds the amount of two hundred and thirty-two euro and ninety-four cents (€232.94) but does not exceed two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37);

After having heard the evidence and examined all documents forming part of the proceedings;

After having heard the accused plead guilty to the charge brought against him, notwithstanding the fact that the Court in terms of Section 453(1) of Chapter 9 of the Laws of Malta warned him in the most solemn manner of the legal consequences of his guilty plea after having given him sufficient time within which to reconsider and withdraw his guilty plea;

After having heard the admission of the accused to the charge brought against him, the Court has no alternative but to find him guilty of all the said charge;

With regards to the punishment the Court took into consideration the fact that: (a) the accused immediately handed over the sunglasses to the Police upon being requested to do so; (b) that no damage was caused to the sunglasses; (c) the fact that the accused fully co-operated with the Police during their investigations; and (d) that the accused registered a guilty plea at an early stage of the proceedings.

After having seen and considered Section 279(a) of Chapter 9 of the Laws of Malta and the guilty plea submitted by the accused, finds the accused guilty of the charge brought against him and condemns him to five (5) months imprisonment, however since in the circumstances the Court does not deem that an effective prison term is expedient, after having considered Section 28A of Chapter 9 of the Laws of Malta suspends said term of imprisonment for a period of two (2) years from today.

Informal Copy of Judgement

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

< Final Judgement >

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