



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

**MAGISTRATE DR.
JOSEPH A. APAP BOLOGNA**

Sitting of the 10th August, 2009

Number. 793/2009

The Police
(Inspector Daniel Zammit)
vs
Mark Anthony George Bennett

THE COURT

Having seen the charges brought against the person charged and this with having:-

During the months of July and August 2009 committed several acts, even if at different times, which acts were committed in pursuance of the same design;

On the 6th of July 2009, during the day, he stole from room number 336 of the Palm Court Hotel, also known as the Qawra Inn, located in Triq it-Tamar, Qawra, items worth more than twenty-three euro and twenty-nine cents (€23.29) but less than two hundred and thirty-two euro

and ninety-four cents (€232.94) which theft was aggravated by means and was to the detriment of Adrian Allman;

On the 7th of July 2009, during the day, he stole from room number 159 of the Palm Court Hotel, also known as the Qawra Inn, located in Triq it-Tamar, Qawra, items worth more than twenty-three euro and twenty-nine cents (€23.29) but less than two hundred and thirty-two euro and ninety-four cents (€232.94) which theft was aggravated by means and was to the detriment of Anthony Mark Hannaford;

On the 7th of July 2009, during the day, he stole from room number 157 of the Palm Court Hotel, also known as the Qawra Inn, located in Triq it-Tamar, Qawra, items worth more than twenty-three euro and twenty-nine cents (€23.29) but less than two hundred and thirty-two euro and ninety-four cents (€232.94) which theft was aggravated by means and was to the detriment of Susan Jane McGahan;

Between the 8th of July 2009 and the 19th of July 2009, during the day, he stole from room number 349 of the Palm Court Hotel, also known as the Qawra Inn, located in Triq it-Tamar, Qawra, items worth more than twenty-three euro and twenty-nine cents (€23.29) but less than two hundred and thirty-two euro and ninety-four cents (€232.94) which theft was aggravated by means and was to the detriment of nn Murphy Riddell;

On the 14th of July 2009, between 19:20 and 20:30, he stole from room number 447 of the Palm Court Hotel, also known as the Qawra Inn, located in Triq it-Tamar, Qawra, items worth more than two hundred and thirty-two euro and ninety-four cents (€232.94) but less than two thousand and three hundred and twenty nine euro and thirty-seven cents (€2329.37) which theft was aggravated by means and amount and was to the detriment of Therese Marie-Claude Camiah;

Between the 15th of July 2009 and 16th of July 2009, he stole from room number 279 of the Palm Court Hotel, also

known as the Qawra Inn, located in Triq it-Tamar, Qawra, items worth more than twenty-three euro and twenty-nine cents (€23.29) but less than two hundred and thirty-two euro and ninety-four cents (€232.94) which theft was aggravated by means and was to the detriment of Barbara Ann Coyne;

On the 16th of July 2009, between 19:30 and 21:00, he stole from room number 359 of the Palm Court Hotel, also known as the Qawra Inn, located in Triq it-Tamar, Qawra, items worth more than two hundred and thirty-two euro and ninety-four cents (€232.94) but less than two thousand and three hundred and twenty nine euro and thirty-seven cents (€2329.37) which theft was aggravated by means and amount and was to the detriment of Therese Marie-Claude Camiah;

Between the 17th of July 2009 and 18th of July 2009, he stole from room number 321 of the Palm Court Hotel, also known as the Qawra Inn, located in Triq it-Tamar, Qawra, items worth more than twenty-three euro and twenty-nine cents (€23.29) but less than two hundred and thirty-two euro and ninety-four cents (€232.94) which theft was aggravated by means and was to the detriment of Barbara Ann Coyne;

On the 4th of August 2009, between 19:30 and 21:00, he stole from the Palm Court Hotel, also known as the Qawra Inn, located in Triq it-Tamar, Qawra, items worth more than twenty-three euro and twenty-nine cents (€23.29) but less than two hundred and thirty-two euro and ninety-four cents (€232.94) which theft was aggravated by means and was to the detriment of Helen Mary Hamilton;

Between the 4th of August 2009 and 5th of August 2009, he stole from room number 410 of the Palm Court Hotel, also known as the Qawra Inn, located in Triq it-Tamar, Qawra, items worth more than twenty-three euro and twenty-nine cents (€23.29) but less than two hundred and thirty-two euro and ninety-four cents (€232.94) which theft was aggravated by means and was to the detriment of Katherine Elizabeth Bussey;

On the 6th of August 2009, during the day, he stole from room number 526 of the Palm Court Hotel, also known as the Qawra Inn, located in Triq it-Tamar, Qawra, items worth more than two hundred and thirty-two euro and ninety-four cents (€232.94) but less than two thousand and three hundred and twenty nine euro and thirty-seven cents (€2329.37) which theft was aggravated by means and amount and was to the detriment of Paul Johnson;

On the 6th of August 2009, during the day, he stole from room number 568 of the Palm Court Hotel, also known as the Qawra Inn, located in Triq it-Tamar, Qawra, items worth more than two hundred and thirty-two euro and ninety-four cents (€232.94) but less than two thousand and three hundred and twenty nine euro and thirty-seven cents (€2329.37) which theft was aggravated by means and amount and was to the detriment of Sylvia Victoria Pettitt;

He is being accused also that between the 15th of July 2009 and the 6th of August 2009, he attempted to steal from six rooms situated in the Palm Court Hotel, also known as the Qawra Inn, located in Triq it-Tamar, Qawra, which crimes were not completed in consequence of some accidental cause independent of the will of the offender, and if the thefts were completed the total value of the items stolen would have been more than two hundred and thirty-two euro and ninety-four cents (€232.94) but less than two thousand and three hundred and twenty nine euro and thirty-seven cents (€2329.37) and such thefts would have been aggravated by means and amount;

He is also being accused for breaching the conditions imposed by Article 7 of Chapter 446 of the Laws of Malta which were imposed on him by Magistrate Dr. D. Clarke LLD on the 14th of April 2008 when he was found guilty of aggravated theft and also by Magistrate Dr. A. Vella LLD on the 4th of June 2009 when he was found guilty of aggravated theft.

Having heard the same person pleads guilty to all the charges as brought against him even after given time to consider this plea.

Having heard the person charged declare that he has no objection for this case to be dealt with summarily by this Court as one of Criminal Judicature.

Having heard the submissions made by both parties.

In view of the above the Court finds the accused guilty of all the charged as brought against him and this in accordance with articles 18, 41(1)(a), 261(b)(c), 263, 264(1), 265, 267, 278(2), 279(b), 280(2) of the Criminal Code as well as article 22 of Chapter 446 of the Laws of Malta.

In regard to the punishment to be inflicted by this Court in accordance with the above mentioned articles, it considered the following facts:-

a) As can be seen from the record of the proceedings held on the 8th of August 2009 the person charged, although he is still eighteen (18) years of age, is, at present, homeless and has no family in Malta, bearing in mind that he has lost all contact with his father whilst his mother is terminally ill in the United Kingdom.

b) However, as can be seen from his conduct sheet exhibited in acts, the same person has already been found guilty of two thefts and, in each occasion, was granted the benefit of probation, on the 14th of April 2008 and on the 4th of June 2009, for a period of three (3) years (vide the last charge) and the present charges were committed whilst this period of three years was still running. In this regard it is useful to consider article 28A (7)(c) of the Criminal Code.

In view of the above, the Court is of the opinion that it is opportune, at this stage to postpone sentencing until a pre-sentencing report is submitted to this Court, so that It can deal with the same person in the appropriate way.

Therefore the Court orders that in accordance with the relative article of Chapter 446, a pre-sentencing report is to be submitted, together with recommendations in this regard, which report is to be submitted by the 21st of August 2009.

The Court orders that a copy of this judgment is to be forwarded to the Department for Probation Services.

< Partial Sentence >

-----END-----