



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

**MAGISTRATE DR.
JACQUELINE PADOVANI**

Sitting of the 19th February, 2012

Number. 186/2012

**THE POLICE
INSPECTOR FABIAN FLERI
VS
KRISTOFER DENE PETER TONNA**

The Court,

Having seen the charges brought against the accused Kristofer Dene Peter Tonna of 21 years, son of Dene and Anne nee' Witchels, born in Redding United Kingdom , residing at Snmar Place Flat 31, Victory Street, Gzira and holder of ID no. 67874(A)

Charged of having committed the following offences:

1. During the night between the 17th and 18th February 2012, from Emmanuele Decelis Street Pembroke, committed the theft of a vehicle make Ford Fiesta

registration number ABS674 which offence of theft is aggravated by amount which exceeds the amount of two hundred and thirty two Euro and ninety four Euro cents (€232,94) but does not exceed the amount of two thousand three hundred and twenty nine Euro and thirty seven Euro cents (€2,329.37), means, time and nature of the thing stolen to the detriment of Graziella Falzon and/or other person/s;

2. During the night between the 9th and 10th February 2012, from Harding Street Pembroke, committed the theft of a vehicle make Ford Fiesta registration number LAB394 which offence of theft is aggravated by amount which exceeds the amount of two hundred and thirty two Euro and ninety four Euro cents (€232,94) but does not exceed the amount of two thousand three hundred and twenty nine Euro and thirty seven Euro cents (€2,329.37), means, time and nature of the thing stolen to the detriment of Jean Paul Galea and/or other person/s;

3. During the night between the 4th and 5th February 2012, from Birkirara Hill, St Julian's, committed the theft of a vehicle make Ford Fiesta registration number AAM556 which offence of theft is aggravated by amount which exceeds the amount of two hundred and thirty two Euro and ninety four Euro cents (€232,94) but does not exceed the amount of two thousand three hundred and twenty nine Euro and thirty seven Euro cents (€2,329.37), means, time and nature of the thing stolen to the detriment of George Agius and/or other person/s;

4. During the night between the 28th and 29th February 2012, from, St Julian's Road San Gwann, committed the theft of a vehicle make Ford Fiesta registration number IBD619 which offence of theft is aggravated by amount which exceeds the amount of two hundred and thirty two Euro and ninety four Euro cents (€232,94) but does not exceed the amount of two thousand three hundred and twenty nine Euro and thirty seven Euro cents (€2,329.37), means, time and nature of the thing stolen to the detriment of Anthony Fenech and/or other person/s;

5. During the night between the 14th and 15th February 2012, from, Mikiel Ang.Borg Street St.Julian's, committed the theft of a vehicle make Ford Fiesta registration number BAR646 which offence of theft is aggravated by amount which exceeds the amount of two hundred and thirty two Euro and ninety four Euro cents (€232,94) but does not exceed the amount of two thousand three hundred and twenty nine Euro and thirty seven Euro cents (€2,329.37), means, time and nature of the thing stolen to the detriment of Patrick Barbara and/or other person/s;

6. During the night between the 17th and 18th February 2012, willfully committed spoil, damage of injury upon any moveable or immovable property belonging to any other person that is damaged vehicle make Ford Fiesta registration number ABS674 which damage exceeds the sum of one hundred and sixteen Euro and forty seven Euro cents (€116.47) to the detriment of Graziella Falzon and / or other person / s;

7. During the night between the 9th and 10th February 2012, willfully committed spoil, damage of injury upon any moveable or immovable property belonging to any other person that is damaged vehicle make Ford Fiesta registration number LAB394 which damage exceeds the sum of one hundred and sixteen Euro and forty seven Euro cents (€116.47) to the detriment of Jean Paul Galea and / or other person / s;

8. During the night between the 4th and 5th February 2012, willfully committed spoil, damage of injury upon any moveable or immovable property belonging to any other person that is damaged vehicle make Ford Fiesta registration number AAM556 which damage exceeds the sum of one hundred and sixteen Euro and forty seven Euro cents (€116.47) to the detriment of George Agius and / or other person / s;

9. During the night between the 28th and 29th February 2012, willfully committed spoil, damage of injury upon any moveable or immovable property belonging to any other person that is damaged vehicle make Ford Fiesta

registration number IBD619 which damage exceeds the sum of one hundred and sixteen Euro and forty seven Euro cents (€116.47) to the detriment of Anthony Fenech and / or other person / s;

10. During the night between the 14th and 15th February 2012, willfully committed spoil, damage of injury upon any moveable or immovable property belonging to any other person that is damaged vehicle make Ford Fiesta registration number BAR646 which damage exceeds the sum of one hundred and sixteen Euro and forty seven Euro cents (€116.47) to the detriment of Patrick Barbara and / or other person / s;

11. Between the 14th January 2012 and 18th February 2012 drove several vehicles when he was not in possession of a driving license thus not being covered by any insurance policy for third parties;

12. During the night between 17th and 18th February 2012 whilst driving a vehicle make Ford Fiesta registration number ABS674 in Pembroke, St.Julian's Sliema and Gzira drove same vehicle in a reckless, negligent and dangerous manner;

13. During the night between 17th and 18th February 2012 whilst driving a vehicle make Ford Fiesta registration number ABS674 in Pembroke, St.Julian's Sliema and Gzira drove same vehicle with excessive speed;

14. During the night between 17th and 18th February 2012 whilst driving a vehicle make Ford Fiesta registration number ABS674 in Pembroke, St.Julian's Sliema and Gzira disobeyed police orders;

15. During the night between 17th and 18th February 2012 whilst driving a vehicle make Ford Fiesta registration number ABS674 in Pembroke, St.Julian's Sliema and Gzira drove or attempted to drive or was in charge of a motor-car or other vehicle on the road or other public place when he was unfit to drive through drink or drugs;

16. During the night between 17th and 18th February 2012 whilst driving a vehicle make Ford Fiesta registration number ABS674 in Pembroke, St.Julian's Sliema and Gzira drove or attempted to drive or having been in charge of a motor-car on a road or other public place after consuming so much alcohol that the proportion of it in his breath, blood or urine exceeded the prescribed limit (44mg/100ml)

Having heard the evidence tendered on oath;

Having heard the plea of guilt registered by the accused;

Having heard the confirmation of the plea of guilt registered by the accused after the Court accorded the same, a reasonable time for reconsideration;

Having seen all documents exhibited and the record of the proceedings;

Having heard the oral submissions of the parties;

Deliberates:

On the strength of his own guilty plea, the Court finds the accused Kristofer Dene Peter Tonna guilty as charged and after having seen Articles 261, 263, 267, 270 , 271, 278, 280, 325 , 28A, 28G of Chapter 9 of the Laws of Malta, Article 15A (1) , 15B (1), 15(1) (a) of Chapter 65 of the Laws of Malta, Article 3 of Chapter 104 of the Laws of Malta, condemns the accused to two (2) years imprisonment suspended for four (4) years. Moreover, the Court is hereby issuing a Supervision Suspended Order against the accused Kristofer Dene Peter Tonna for a period of three (3) years, under the supervision of the Director of Probation Services, or any other Probation Officer appointed by the same Director. The Probation officer so appointed shall file a report on the progress or otherwise of the accused every four months.

In addition the Court condemns the accused Kristofer Dene Peter Tonna to pay a fine in the sum of two thousand three hundred and twenty nine Euros and thirty seven cents (€2329.37), which fine shall be paid in monthly installments over a six month period and prohibits the accused Kristofer Dene Peter Tonna from obtaining a driving license for a period of one (1) year from the date of this judgment.

Furthermore the Court took note of the undertaking on the part of the accused to pay for the damages he caused on the following cars, which payment shall be effected within a period of two years from the date of this judgment:

1. Vehicle registration number ABS674 damage amounting to seven hundred Euros (€700);
2. Vehicle registration number LAB394 damage amounting to two hundred Euros (€200);
3. Vehicle registration number AAM556 damage amounting to three hundred Euros (€300);
4. Vehicle registration number IBD619 damage amounting to seven hundred Euros (€700);
5. Vehicle registration number BAR646 damage amounting to six hundred Euros (€600);

This punishment was awarded to the accused after the Court took into consideration the guilty plea registered in the early stages of the proceedings and the criminal record of the accused and the age of the accused.

The Court ensured that the accused understood the significance, and the consequences of a Suspended Sentence and a Supervision Suspended Order.

Informal Copy of Judgement

The Court orders that a copy of this judgment be notified to the Director of Probation Services.

< Final Judgement >

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