



**QORTI TAL-MAGISTRATI (MALTA)
BHALA QORTI TA' GUDIKATURA KRIMINALI**

**MAGISTRAT DR.
DOREEN CLARKE**

Seduta ta' l-4 ta' Gunju, 2012

Numru. 498/2011

**The Police
(Inspector Edmond Cuschieri)**

vs

Solomon Tesfei Tekle

Case Number: 498/2011

Today the 4th June 2012

The Court,

Having seen the charges brought against the accused, Solomon Tesfei Tekle, 21 years, son of Tesfei Tekle and Alem Gudeta, born on the 27th of May, 1990, in Eritrea, residing at the Open Centre, Marsa and holder of identity card with number 38187A.

Charged with having:

On the 8th of April, 2011 at sometime between 00.10hrs and 06.00hrs from Regent Court Mas 2, Triq il-Hgejjeg, San Pawl il-Bahar, committed the theft of several items being three mobile phones being a Sony Ericsson, a Nokia mobile phone, another Nokia mobile phone, an Apple IPod, a pen drive, a wallet containing €160, a bottle of whiskey and other personal belongings which theft is aggravated by means, by amount which exceeds the sum of two hundred and thirty-two Euro and ninety-four cents (232.94), by place and by time to the detriment of James Hawkins, Maureen Ann Hawkins, Louise Ann Collins and Robert Collins and this in terms of articles 261, 263, 267, 269(g) and 270 of Chapter 9 the Laws of Malta.

And also with having on the same date, time and circumstances knowingly received or purchased any property which had been stolen, misapplied or obtained by means of any offence, whether committed in Malta or abroad, or knowingly taking part, in any manner whatsoever, in the sale or disposal of the same items and this in terms of article 334 (a) of Chapter 9 of the Laws of Malta.

And also for having on the 8th April, 2008 at 0600hrs in St Paul's Bay assaulted or resisted by violence or active force not amounting to public violence, PC951 D. Xerri and PC1365 C. Formosa, persons who are lawfully charged with a public duty when in the execution of the law or of a lawful order issued by a competent authority and this in terms of section 96 of Chapter 9 of the Laws of Malta

And moreover with having on the same day, place, time and circumstances caused injuries of slight nature on the person of PC951 D. Xerri and PC1365 C. Formosa as certified by Dr. Owen Mifsud MD of Mosta Health Centre and this in terms of sections 221 and 222(c) of Chapter 9 of the Laws of Malta.

And furthermore on the same date, place, time and circumstances in any public place or place open to the

public, being found drunk and incapable of taking care of himself and this in terms of section 338(ff) of Chapter 9 of the Laws of Malta.

And furthermore for having on the 8th April, 2011 at 13:15 in Mosta Police Station with intent to harm PC951 D. Xerri and PC1365 C. Formosa, accused such persons before a competent authority with an offence of which he knew such persons to be innocent and this in terms of article 101 of Chapter 9 of the Laws of Malta.

And furthermore on the same date, place, time and circumstances having failed to observe any of the conditions imposed by the Court of Magistrates in the decrees in which he was granted bail and which were given on the 25th November, 2009 by Magistrate Dr. Edwina Grima LL.D and on the 19th November, 2010 by Magistrate Dr. C. Scerri Herrera LL.D and this in terms of article 579 (2) of Chapter 9 of the Laws of Malta.

The Court was asked by the prosecution to treat the defendant as a recidivist in case of guilt, in terms of Article 49 and 50 of Chapter 9 of the Laws of Malta.

Having seen the order of the Attorney General for this case to be tried by this Court as Court of Criminal Judicature for offences contemplated in the following provisions of Law:

- a) section 261(b)(c)(e)(f), 263, 267, 269(g), 270, 278, 279, 280 and 281 of Chapter 9 of the Laws of Malta;
- b) section 334 of Chapter 9 of the Laws of Malta;
- c) section 221 u 222(c) of Chapter 9 of the Laws of Malta;
- d) section 338(ff) of Chapter 9 of the Laws of Malta
- e) section 101 of Chapter 9 of the Laws of Malta
- f) section 579(2) of Chapter 9 of the Laws of Malta;
- g) sections 17, 18, 23, 30, 31 and 533 of Chapter 9 of the Laws of Malta.

Having seen that the accused had no objection to the case being tried summarily.

Having heard the defendant admitted all the charges brought against him except for the second charge and confirmed this admission of guilt even after having been given sufficient time to reconsider his plea.

Having heard the evidence and the submissions of the parties.

Having seen the acts of the proceedings.

Having considered

The defendant admitted all the charges except of the second one; these are consequently sufficiently proven.

The second charge (receipt of stolen property) was brought as an alternative to the first charge (of theft) which was admitted by the defendant. The Court is therefore abstaining from taking further cognizance of this second charge.

As regards the penalty to be meted out the Court took into consideration the nature of the offences of which the defendant is being found guilty and his conviction sheet.

For these reasons the Court whilst abstaining from taking further cognizance of the second charge brought against defendant, after having seen sections 49, 50, 96, 101, 221, 222©, 261(b)(c)(e)(f), 263, 267, 269(g), 270, 338(ff) and 579(2) of Chapter 9 of the Laws of Malta finds the defendant guilty of all the other charges brought against him and condemns him to thirty (30) months imprisonment. The court is also revoking bail granted in terms of the two decrees dated 25th November 2009 and 19th November 2010 respectively and is consequently ordering the re-arrest of the defendant. The Court in view of the penalty meted out is not ordering the forfeiture of the bail bond.

Kopja Informali ta' Sentenza

< Sentenza Finali >

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