



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

**MAGISTRATE DR.
NEVILLE CAMILLERI**

Sitting of the 17 th January, 2013

Number 49/2013

**The Police
(Inspector Keith Arnaud)**

vs.

St. John Alfred Lewis

The Court

After having seen the charges brought against **St. John Alfred Lewis**, of forty (40) years, son of Alfred and Patricia neé Capstic, born in Leeds, United Kingdom on the 24th February 1972, residing in an unknown address and holder of identity card no: 265104(L), accused with having:

1. on the 19th June 2010, between 14:00hrs and 17:45hrs, from room number 615, St George's Park Complex, Dragonara Road, St Julians, committed theft of

several items, which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of Olof Carl Johan Lorentzson from Sweden and Charlene DeBrincat from Malta;

2. on the 08th August 2010, between 13:00hrs and 14:30hrs, from room number 603, St George's Park Complex, Dragonara Road, St Julians, committed theft of several items, which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of Luca Garruba, Alessandro Sbraga and Andrea Bellucci form Italy;

3. on the 11th August 2010, between 18:30hrs and 22:45hrs, from room number 331, Qawra Palace Hotel, Qawra Road, Qawra, committed theft of several items, which offence of theft is aggravated by means, amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) and time, to the detriment of Brian Mark Palmer and Marion Christine Ellis Ross from the United Kingdom;

4. between the period of June 2010 and August 2010, in Malta, knowingly received or purchased any property which has been stolen, which value exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€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;

5. on the 15th August 2010 at 10:00hrs, failed to comply with the conditions of a Police Bail imposed upon him upon release of arrest on the 14th August 2010;

6. breached the provisions of article 7 of the Probation Act, Chapter 446 of the Laws of Malta, after a judgement delivered by the Court of Magistrates as a Court of Criminal Judicature on the 29th December 2008.

Also for rendering himself recidivist, after being sentenced by a judgment which has become absolute.

Having examined all the documents forming part of the proceedings.

Having heard the accused plead guilty to all the charges 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.

Having heard the Prosecution Officer declare that the fourth (4th.) charge brought against the accused is alternative to the first three charges brought against him.

Considers

That, as a consequence of the admission of the accused of the charges brought against him, the charges brought against the accused have been sufficiently proven.

With regards to the punishment to be inflicted, the Court will be taking into consideration various factors, including: the nature of the charges brought against the accused, the conviction sheet of the accused and his guilty plea at an early stage of these proceedings.

Therefore, the Court, whilst refraining from taking any further cognizance of the fourth (4th.) charge brought against the accused, since the Prosecution declared that

this was alternative to the first three charges, after having seen and considered Sections 49, 50, 261(b), 261(c), 261(f), 263(a), 267, 270, 355AL (5) of Chapter 9 of the Laws of Malta and Sections 7 and 23 of Chapter 446 of the Laws of Malta, finds the accused guilty of all the other charges brought against him and, whilst opting not to deal with the accused for the charges as a consequence of which he was granted the probation order mentioned in the sixth (6th) charge and whilst confirming the said probation order, condemns the accused to a period of two (2) years imprisonment.

The Court recommends the Director of the Corradino Correctional Facility to give any assistance to the accused regarding his drug dependency.

The Court orders that in terms of Section 392A of Chapter 9 of the Laws of Malta the records of this case and a copy of this judgement be transmitted to the Attorney General within the time period stipulated by Law.

< Final Judgement >

-----END-----