



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

**MAGISTRATE DR.  
CONSUELO-PILAR SCERRI HERRERA**

Sitting of the 22 nd April, 2013

Number. 385/2013

**The Police  
(Inspector Daniel Zammit)**

**vs**

**ABDISALAN MAHAMED AFRAH**

**The Court,**

Having seen that the accused **ABDISALAN MAHAMED AFRAH**, son of Mohamed and Habib, born in Somalia on 12<sup>th</sup> June 1986, residing at the Marsa Open Centre and holder of identity card number 83472A was arraigned before her and accused that on the 21<sup>st</sup> April 2013, at around half past three in the morning (03:30hrs) he tried to commit a theft from vehicle with registration number GBO001, which vehicle was parked in Bishop Mauro Caruana Street, Floriana, and with intent to commit a crim he has manifested such intent by overt acts which were

followed by a commencement of the execution of the crime and such crime was not completed in consequence of some accidental cause independent of the will of the offender; which theft would have been aggravated by means, value exceeding two hundred and thirty-two euro and ninety-four cents (€232.94) by not two thousand, three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), time and nature of the thing stolen.

Having seen all the documents exhibited in the acts of these proceedings by the Prosecution in particular the conviction sheet of the accused, consent of the Attorney General so that this case is dealt with summarily, a police report, statement of the accused and a declaration of refusal to consult a lawyer.

Having heard the accused plead guilty to the charges brought forward against him.

The Court explained to the accused, in the presence of his legal aid lawyer Dr Simon Micallef Stafrace, the consequences of his plea of guilt and after having given the accused sufficient time to reconsider his plea of guilt and saw that the same accused insisted on registering in the acts of these proceedings his plea of guilt, had no alternative but to register such plea.

In the light of the above plea of guilt which guilty plea was made voluntarily, expressly and unconditionally, the Court is satisfied that the accused is to be found guilty of the charges brought forward against him.

The Court took note of the full co-operation of the accused with the Prosecution from the early stages of the investigation even from the moment that the accused released his statement.

The Court noticed that the accused had a clean conviction sheet and therefore should be dealt with as a first time offender, and consequently an effective prison sentence is not warranted.

**Thus the Court, having seen the relevant sections at law, in particular 41(1)(a), 261(b)(c)(f)(g), 280(1) and 281 of Chapter 9 of the Laws of Malta, decides to find the accused ABDISALAN MAHAMED AFRAH guilty of the charges brought against him by the prosecution and condemns to three months imprisonment suspended for one (1) year.**

**The Court explained the judgement to the accused and what happens should he commit another crime of a voluntary nature during the operative period of the judgement.**

**< Final Judgement >**

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