



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

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

Sitting of the 26th May, 2013

Number. 509/2013

**The Police
(Inspector Robert Said Sarreo)**

vs

JOHN ANGELO SALVINO BUTTIGIEG

The Court,

Having seen that the accused **JOHN ANGELO SALVINO BUTTIGIEG**, of 44 years, son of late Carmelo and late Salvina nee' Falzon, born in England on the 13th December, 1968, residing at Mexico Farm, Triq ix-Xghajra, Zabbar and holder of British Passport number 209022615, was arraigned before her accused that on the 25th May 2013 at around three o'clock in the afternoon (3.00pm) attempted to commit a theft from a retail outlet named 'Carmelina' situated in Convent Street, Zabbar to the detriment of Maria Catherine Mercieca and/or others,

which theft is aggravated by means, but such crime was not completed in consequence of some accidental cause independent of his own will.

And also on the same date, time, place and circumstances wilfully committed spoil, damage or injury upon any moveable or immovable property belonging to any other person, in such case to the retail outlet named 'Carmelina' situated in Convent Street, Zabbar, which such damages do not exceed 1164.69 Euros (Lm500) to the detriment of Maria Catherine Mercieca and/or others.

The court is being requested to issue a protection order as per article 412(C) Chapter 9 of the Laws of Malta, during the proceedings and even if the accused is found guilty.

Having seen all the documents exhibited in the acts of these proceedings by the Prosecution in particular a photocopy of the passport of the accused, the statement released by the accused dated 26th May 2013, the police report and the declaration of refusal to the right for legal assistance.

Having heard the accused declare that he has no income here in Malta. However he also declared that he does not need assistance of a lawyer. The accused declared that he understood the nature of the charges brought forward against him and declared that he pleads guilty to the charges brought forward against him.

The Court explained to the accused 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.

Having heard the Prosecution declare that as far as it is informed, the accused has no further proceedings in Malta.

Having heard the Prosecution declare that the damages sustained by Maria Mercieca consists of the breaking of a glass pain and to date, they have no estimate of the value.

Having heard the accused declare that he is ready to fix the glass pain at his own expense.

Having heard the Prosecution declare that the accused collaborated fully throughout this investigation.

Having seen the early admission of guilt registered by the accused in the first opportunity given to him.

The Court, after having seen the relevant sections at law, in particular Sections 41(1)(a), 261(b), 263(a), 278(1) and 325(1)(b) of Chapter 9, of the Laws of Malta, decides to find the accused JOHN ANGELO SALVINO BUTTIGIEG guilty of the charges brought against him by the prosecution and condemns him to imprisonment of six (6) months suspended for two (2) years in terms of Section 28A of Chapter 9 of the Laws of Malta.

With regards to the Prosecution's request for the Court to order a protection order in terms of Section 412C of Chapter 9 of the Laws of Malta, the Court noted that the Prosecution did not insist on such a plea in its pleadings and consequently the Court abstains from taking cognizance of such a request.

Finally the Court orders that a copy of this judgement together with the acts of these proceedings be sent to the Attorney General within three (3) days in terms of Section 401(3) of the Criminal Code.

< Final Judgement >

-----END-----