



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

**MAGISTRATE DR.
GABRIELLA VELLA**

Sitting of the 3rd July, 2013

Number. 624/2013

**Police
(Inspector Luke Bonello)**

vs

Daniel Laursen

The Court,

After having considered the charges brought against Daniel Laursen, twenty six (26) years of age, son of Lars Schytt and Mageitt Laursen, born in Denmark on the 20th March 1987 and residing at Room 4040 La Vallette Resort, Dragonara Road, St.Julians, holder of Danish Passport bearing Number 206036960 of having:

1. On the 2nd of July 2013 at about 05:45am, whilst being at the Westin Dragonara Beach Club, situated in Dragonara Road, St. Julians, committed theft aggravated

by time and amount, of a cash register drawer, value of which exceeds two hundred and thirty-two euro and ninety four cents (€232.94) but does not exceed two thousand and three hundred and twenty nine euro and thirty seven cents (€2,329.37);

2. Furthermore with having on the same date, time, place and circumstances, willfully committed any spoil, damage or injury to or upon any movable or immovable property, which the amount of the damage does not exceed one thousand and one hundred and sixty four euro and sixty nine cents (€1,164.69) but exceeds one hundred and sixteen euro and forty seven cents (€116.47).

After having examined all documents submitted by the Prosecuting Officer and all the other records of the case, amongst which the consent by the Attorney General for these proceedings to be dealt with summarily;

After having heard the accused declare that he finds no objection to his case being dealt with summarily and plead that he is guilty of 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;

After having heard submissions by the Prosecution regarding punishment in particular that in this case a suspended sentence would be an appropriate punishment to be imposed on the accused;

Considers:

In the light of the guilty plea submitted by the accused, the Court finds him guilty of the charges brought against him.

With regards to the punishment the Court took into account the fact that the accused co-operated with the Police, that he has a clean conviction sheet and that he

submitted a guilty plea at an early stage of the proceedings.

After having seen and considered Sections 261 (c) and (f), 267, 270, 279(a), 280 and 325 (1)(b) of Chapter 9 of the Laws of Malta, whilst reiterating that it is finding the accused guilty of the charges brought against him, the Court condemns him to eight (8) months imprisonment however, since the Court is of the opinion that there are sufficient reasons which warrant that the said term of imprisonment be suspended, in terms of Section 28A of Chapter 9 of the Laws of Malta, suspends the said term of eight (8) months imprisonment for a period of one (1) year from date of this judgment.

In terms of Section 28(H) of Chapter 9 of the Laws of Malta the Court condemns the accused to pay the Westin Dragonara Beach Club the sum of €281.25, resulting from Doc. "LB5" in the acts of the proceedings, representing damages caused to the drawer of the Beach Club's cash register. This payment is to be effected by not later than the 4th July 2013.

In terms of Section 28A(4) of Chapter 9 of the Laws of Malta the Court has explained to the accused in plain language his liability under Section 28B of Chapter 9 of the Laws of Malta if during the operational period he commits an offence punishable with imprisonment.

< Final Judgement >

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