



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

**MAGISTRATE DR.
SAVIOUR DEMICOLI**

Sitting of the 19 th August, 2013

Number. 771/2013

**The Police
(Inspector Luke Bonello)**

vs

ABDINASIR NOOR KINAAN

The Court,

Seen the charges brought against Abdinasir Noor Kinaan of 16 years, son of Abdinasir Noor and Kareiko Husien Noor nee Mymom, born on the 15th August 1966 in Somalia residing at Kobas King, Triq il-Vjar Blue Grotto, Zurrieq, holder of identity card number 82501A.

1. And charged him with having on the night of between the 12th of August 2013 and the 13th of August 2012, whilst being in St Julian's, committed theft aggravated by time and amount, of a mobile phone of

make Apple IPHONE 4S, 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) to the detriment of Albert Nils Johan Karlstrom.

2. Further more with having on the night of between the 12th of August 2013 and the 13th of August 2012 and in the following days, whilst being in these Islands, knowingly received or purchased any property which has been stolen, misapplied or obtained by means of any offence, whether committed in Malta or abroad, which items' value 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), or for knowingly taken part, in any manner whatsoever, in the sale or disposal of these items.

Seen the acts of the Case and exhibited documents.

Seen the Attorney General's consent found at fol. 13 of the acts of the Proceedings and noted that accused has no objection that the Case be heard summarily.

Noted that in today's Sitting accused pleaded guilty to all the charges brought against him.

The Court warned accused in the most solemn manner as to the consequences of his admission of guilt and gave him some time to decide whether to confirm his admission of guilt or not, and having been asked whether he confirms his admission of guilt or not, accused confirmed that he is pleading guilty to all the charges brought against him.

Heard submissions on punishment.

Seen Sections 17, 37, 261(f) and (c), 267, 270, 279(a), 280(1) and 334 of Chapter 9 of the Laws of Malta.

Finds accused Abdinasir Noor Kinaan, on admission of guilt, guilty of all the charges brought against him, taking into consideration all the circumstances of the Case including the fact that accused pleaded guilty to all the charges brought against him at an early stage of the Proceedings, accused's clean criminal conduct sheet and that in regards to accused there applies Section 37 of Chapter 9 of the Laws of Malta and having seen Sections 28A and 28B of Chapter 9 of the Laws of Malta condemns accused Abdinasir Noor Kinaan to two (2) years imprisonment and orders that this Sentence as regards the punishment of imprisonment shall not take effect unless during the period of four (4) years as from today accused Abdinasir Noor Kinaan commits another offence punishable with imprisonment.

Finally the Court is giving accused Abdinasir Noor Kinaan the explanation prescribed in sub-section 28A(4) of Chapter 9 of the Laws of Malta.

< Final Judgement >

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