



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

**MAGISTRATE DR.  
GABRIELLA VELLA**

Sitting of the 30<sup>th</sup> January, 2014

Number 97/2014

**Police  
(Inspector Trevor Micallef)**

**Vs**

**Jake Sebastian Morris**

**The Court,**

After having considered the charges brought against Jake Sebastian Morris, son of Nicholas Charles and Juliett nee` Kempson, born in England on the 9<sup>th</sup> March 1977 and residing at No.4, Flat 6, Karm Galea Street, Sliema, holder of British Passport No. 465086453, of having in these Islands, during the period of January 2014, with several acts committed, even if at different times, constituting violations of the same provisions of the law and committed in pursuance of the same design:

1. At some time between the 4<sup>th</sup> January 2014 and 5<sup>th</sup> January 2014 committed theft of cash to the detriment of Matthew Zammit and/or other persons, which theft is aggravated by 'means', 'value' which exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but does not exceed two thousand three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), 'time' and 'place';
2. Furthermore with having on the 14<sup>th</sup> January 2014 at about half past nine in the evening (9:30p.m.), committed theft of objects to the detriment of Matthew Zammit and/or other persons, which theft is aggravated by 'time' and 'place';
3. Furthermore with having on the 26<sup>th</sup> January 2014, at some time between two in the morning (2:00a.m.) and half past two in the morning (2:30a.m.), committed theft of objects to the detriment of Matthew Zammit and/or other persons, which theft is aggravated by 'time' and 'place';
4. Furthermore of having in these Islands, committed a crime during the operative period of a suspended sentence handed over by the Maltese Courts, which judgment is definitive and cannot be changed; and
5. For having during the same period, in these Islands, become a recidivist under Articles 49, 50 and 289 of Chapter 9 of the Laws of Malta, after having been found guilty of a crime and been sentenced by the Court, which judgment is definitive and cannot be changed;

After having examined all documents submitted by the Prosecuting Officer and all the other records of the case, amongst which the conviction sheet of the accused marked Doc. "TM3" and the statement given by the accused marked Doc. "TM4";

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 and Defense Counsel regarding punishment and after having taken into consideration the fact that the Prosecution and Defense Counsel agree that in this particular case it is more expedient to place the accused under a Probation Order rather than impose an effective prison term since the accused has a drinking problem which needs to be addressed;

**Considers:**

The accused is being charged with having in these Islands, during the period of January 2014, with several acts committed, even if at different times, constituting violations of the same provisions of the law and committed in pursuance of the same design: (i) at some time between the 4<sup>th</sup> January 2014 and 5<sup>th</sup> January 2014 committed theft of cash to the detriment of Matthew Zammit and/or other persons, which theft is aggravated by 'means', 'value' which exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but does not exceed two thousand three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), 'time' and 'place'; (ii) furthermore with having on the 14<sup>th</sup> January 2014 at about half past nine in the evening (9:30p.m.), committed theft of objects to the detriment of Matthew Zammit and/or other persons, which theft is aggravated by 'time' and 'place'; (iii) furthermore with having on the 26<sup>th</sup> January 2014, at some time between two in the morning (2:00a.m.) and half past two in the morning (2:30a.m.), committed theft of objects to the detriment of Matthew Zammit and/or other persons, which theft is aggravated by 'time' and 'place'; (iii) furthermore of having in these Islands, committed a crime during the operative period of a suspended sentence handed over by the Maltese Courts, which judgment is definitive and cannot be changed; and (iv) of having during the same period, in these Islands, become

a recidivist under Articles 49, 50 and 289 of Chapter 9 of the Laws of Malta, after having been found guilty of a crime and been sentenced by the Court, which judgment is definitive and cannot be changed.

The accused pleaded guilty to all the charges brought against him and in the light of said guilty plea, the Court finds the accused guilty of the first, second, third and fifth charges brought against him but for reasons set out below abstains from dealing with the fourth charge brought against the accused..

With regards to the punishment the Court took into account the fact that the accused submitted an early guilty plea and that he has a drinking problem which needs to be addressed. It also took into account submissions by the Prosecution and Defense Counsel to the effect that in this particular case it is more expedient to place the accused under a Probation Order rather than impose an effective prison term since the accused has a drinking problem which needs to be addressed

Therefore after having seen and considered Sections 17, 18, 31, 49, 50, 261, 263, 267, 269, 270, 278, 281 and 289 of Chapter 9 of the Laws of Malta, the Court whilst reiterating that it is finding the accused guilty of the first, second, third and fifth charges brought against him, deems that since the circumstances of this case fall within the terms of Section 7(2) of Chapter 446 of the Laws of Malta, particularly the fact that the accused has a drinking problem which needs to be addressed and thus the supervision of the accused by a Probation Officer is desirable in the interest of securing his rehabilitation, the issue of a Probation Order with regard to the accused is appropriate and therefore in terms of Section 7(1) of Chapter 446 of the Laws of Malta places the accused under a Probation Order for a period of three (3) years from date of this judgment and under the terms and conditions set out in the relative Decree given today, hereto attached and forming an integral part of this judgment.

With regard to the fourth charge brought against the accused, in terms of Section 28B(2) of Chapter 9 of the Laws of Malta and for the reason that the accused's drinking problem can be better addressed with the appropriate help rather than by an effective prison term, the Court abstains from making an order under Section 28B(1) of the said Chapter of the Laws of Malta and therefore the operational period of the judgment delivered by the Court of Magistrates (Malta) as a Court of Criminal Judicature against the accused on the 21<sup>st</sup> October 2013 shall remain in force.

In terms of Section 7(7) of Chapter 446 of the Laws of Malta the Court has explained to the accused in ordinary language what the consequences are if he commits an offence during this probationary period of three (3) years.

In terms of Section 7(8) of Chapter 446 of the Laws of Malta the Court is hereby ordering that a copy of this judgment and Probation Order issued be served on the Director of Probation Services so that a Probation Officer is appointed to supervise the accused.

**< Final Judgement >**

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