



MALTA

COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR.
CHARMAINE GALEA

Sitting of the 8 th June, 2014

Number. 554/2014

The Police
(Inspector Joseph Mercieca)

vs.

Frank Godwin

The Court;

Having seen that the offender **Frank Godwin** of nineteen (19) years of age, son of unknown parents, born in Nigeria on the 1st of April 1995, residing at Hal Far Open Centre, Birzebbugia and holder of identity card number 9000326A was charged:-

With having on the 8th June 2014, at about 05:15hrs, in Paceville, limits of San Giljan:

1. Together with another unknown person, committed theft of a mobile phone, make Samsung, from an unknown person, which theft is aggravated by value, not exceeding two thousand, three hundred and twenty nine euro and thirty seven cents (€2329.37), and by time;
2. Assaulted or resisted by violence or active force, not amounting to public violence, any person lawfully charged with a public duty when in the execution of the law or of a lawful order issued by a competent authority.

Having seen the consent of the Attorney General for this case to be tried summarily, and that the offender had no objection to the case being so tried;

Having seen that the offender admitted the charges brought against him and confirmed this admission of guilt even after having been given time to reconsider his plea;

Having seen the acts of the proceedings;

Having heard the submissions regarding the penalty to be meted out.

Having considered:

That offender admitted the charges brought against him and hence these are consequently sufficiently proved;

Regarding the penalty to be meted out the Court took into consideration the nature of the offences of which the offender is being found guilty, his admission at the earliest stage of these proceedings, that the *res furtiva* has been returned to the police and that he can be considered as a first time offender;

Wherefore the Court, after having seen section 96 and 279 (a) of Chapter 9 of the Laws of Malta, on his admission finds the offender **Frank Godwin** guilty of the charges brought against him and condemns him to **one (1) year imprisonment which by application of section 28A (1) of Chapter 9 of the Laws of Malta is being suspended for a period of three (3) years from today**. The Court is also condemning the offender to a **fine (multa) of four thousand euro (€4000)** which can be paid in monthly instalments of one hundred and twenty euro (€120) per month. Should the person sentenced fail to pay the fine due as stipulated above, such fine shall become immediately due and shall be converted into a period of imprisonment at the rate of one day imprisonment for every thirty five Euro (€35) or part thereof that remains due.

In accordance with sections 28A (4) of Chapter 9 of the Laws of Malta, the Court explained in clear and simple language the meaning of this judgement to the offender, and the consequences which would follow if he fails to abide by it, that is if he commits another offence which is punishable by imprisonment within the operative period of three years from today.

< Final Judgement >

-----END-----