

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

**Sections 49, 50, 279 and 289 of Chapter 9
of the Laws of Malta**

**Magistrate
Dr Consuelo Scerri Herrera LL.D. DIP. MATR. (Can)**

**The Police
(Inspector Josric Mifsud)**

vs

ABDIHUKUN ABDULKADIR MOHAMUD

Today, 5th April 2016

The Court,

Having seen that the accused **ABDIHUKUN ABDULKADIR MOHAMUD**, 29 years, son of Abdulkadir and Amina Mohumed, born in Somalia, on the 01st January, 1987 residing at St Joseph Fl 3, Triq San Gorg, Hal Safi, holder of Maltese Identity card number 55168A was arraigned before her and charged with having on these islands on the 04th April, 2016, sometime between six and ten past six in the evening (1800 – 1810hrs) at the *Zabbar Shooting Club*, Misrah San Gakbu, Zabbar:

- a) Stole a mobile phone make *Samsung type S5* and *€60.00 in cash* to the detriment of *Grazia Falzon* which theft is aggravated by value.

b) for becoming a recidivist in terms of articles 49, 50 and 289, of Chapter 9 of the Laws of Malta, after being found guilty with various sentences, issued by the Courts of Malta, which sentences are final and cannot be altered.

Having seen all the documents exhibited in the acts of these proceedings by the Prosecution in particular the renunciation of the accused to legal assistance, the statement of the accused, a police report, the consent of the Attorney General for the case to be dealt with summarily, the personal details of the accused as held by the police and a conviction sheet.

Having heard the accused declare that he does not understand the Maltese language though he understands the English language and thus the Court ordered that the proceedings are to be held in the English language in terms of Section 3 of the Judicial Proceedings Act.

Having heard the accused request for assistance of a legal aid lawyer, the Court appointed Dr Martin Fenech as Legal Aid Lawyer to assist the accused.

Having heard the accused plead guilty to the charges brought forward against him.

The Court explained to the accused the consequences of his plea of guilt in the presence of his legal aid lawyer and after having given the accused sufficient time to reconsider his guilty plea 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 charge brought forward against him.

Having hear the Prosecution declare that the mobile today has been returned to its legitimate owner together with the money stolen and therefore the victim has been reintegrated in the possession of his belongings.

The Court heard the Prosecution declare that the accused collaborated fully with her throughout the investigation.

Thus the Court, having seen the relevant sections at law, in particular, Sections 49, 50, 279 and 289 of Chapter 9 of the Laws of Malta, decides to find the accused ABDIHUKUN ABDULKADIR MOHAMUD guilty of the charge brought forward against him by the prosecution and condemns him to six months effective imprisonment.

**Dr Consuelo Scerri Herrera LL.D.
Magistrate**