

**In the Court of Magistrates (Gozo)
as a Court of Criminal Judicature**

Magistrate Dr Joanne Vella Cuschieri B.A., Mag. Jur. (Eur. Law.) LL.D.

**The Police
(Inspector Bernard Charles Spiteri)**

vs

Donatas Butauskas, holder of Lithuanian passport number 24078066 aged 20 years, son of Vidmantas and Sonata nee' Jankauskaite born in Kaunas, Latvia, on the 29th January 1996, and currently is residing at 87, Triq il-Hamsin, Xewkija.

Today, 15th June, 2016.

The Court;

Having seen the charges brought forward against the accused for having on the 14th June 2016, at around 8.00p.m. whilst aboard M.V. Malita at Mgarr Harbour, Ghajnsielem Gozo and/or in the vicinity;

1. Committed theft of food objects, which amount does not exceed twenty three Euros and twenty nine cents (€23.29) to the detriment of Carmen Melissa Said and/or the Administration of Agenda Bookshop.
2. **And also with having on the same date, time, place and circumstances** disobeyed the lawful order of any authority or of any person entrusted with a public service, or hindered or obstructed such person in the exercise of their duties, or duly interfered with the exercise of such duties, either by preventing other persons from doing what they are lawfully enjoined or allowed to do, or frustrating or undoing what has been lawfully done by other persons, or in any other manner whatsoever, in breach of article 338(ee) of Chapter 9 of the Laws of Malta.
3. **And also with having on the same date, time, place and circumstances** in any public place or place open to the public was found drunk and incapable of taking care of himself.

After having heard the accused plead guilty to the charges at an early stage of the proceedings, which admission was confirmed by the same offender after the Court, in terms of section 453 (1) of Chapter 9 of the Laws of Malta, warned him of the legal consequences of that guilty plea including the possibility of imprisonment, and allowed him sufficient time to re-consider his reply, and to change it;

After having heard the oral submissions on the punishment;

Considered that:

From the evidence brought forward and from the guilty plea registered by the offender himself, the Court concludes that the offender is guilty of the charges laid against him.

As regards the punishment, the Court took into consideration the fact that the offender admitted to the charges at a very early stage, the minor charges brought against him, the fact that all the stolen articles namely 7 bars of chocolate, 1 can of nuts, 1 packet of crisps and a can of Pringles have been returned and the fact that he spent at least 12 hours under arrest as a result of his actions.

For these reasons the Court after having seen sections 285 and 338 of Chapter 9 of the Laws of Malta on his admission finds offender guilty of the charges brought against him and conditionally discharges accused Donatas Butauskas by application of the Provision of Section 22 (1) of Chapter 446 of the Laws of Malta on condition that said accused Donatas Butauskas commits no offence during the period of six (6) months as from today.

Finally the Court after having again explained to the accused that such charges could have brought with them even a punishment of a term imprisonment notwithstanding the value of the objects stolen, is giving accused Donatas Butauskas the explanation prescribed in Section 22(3) of Chapter 446 of the Laws of Malta.

(sgd.) Dr Joanne Vella Cuschieri
Magistrate

(sgd.) Maureen Xuereb
D/Registrar

True copy

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