



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

MAGISTRATE

DR. CAROLINE FARRUGIA FRENDU

Today the 25th of July 2016

Case number: 373/2016 CFF

The Police

(Inspector Trevor Micallef)

vs

Catalin Vasilescu

The Court:

After having seen the charge brought against Catalin Vasilescu, and holder of identity card no. GL 702995,

Charged with having in these islands, on the 16th July 2016 at about 01:30 hrs, from Footloose bar in St. George's Road, St. Julian's:-

1. Committed theft of two wallets (containing cash) and one mobile of make iPhone 5, which theft exceeds two hundred and thirty-two Euros and ninety four cents (232.94 Euros) but does not exceed two thousand and three hundred and twenty-nine euros and thirty-seven cents (2,329.37), which theft is aggravated by 'amount' and by 'time' to the detriment of Suze Van Capelleven and Christophe Roels (Art. 267, 270 and 279 of Chapter 9 of the Laws of Malta).

After having examined Articles 267, 270 and 279 of Chapter 9 of the Laws of Malta.

After having seen that during the sitting of the 16th of July 2016 the Prosecuting Officer read and confirmed the charges on oath.

After having examined all the documents submitted in the records of these proceedings; namely an incident report dated 16th of July 2016, a statement made by the accused dated also 16th of July 2016, the accused's conviction sheet, a photo copy of the accused's Romanian identity card and the identity card of the accused.

After having heard, in today's sitting, the accused plead guilty to the charge brought forward against him, the Court warned the said accused in the most solemn manner about the consequences arising out of his guilty plea and thus gave him reasonable time in order for him to withdraw his guilty plea, the accused still confirmed that he was guilty as charged.

The Court, after having seen Article 392A(1)(2) of the Criminal Code, in the light of the said voluntary and unconditional admission registered by the accused proceeded with the determination of the merits of this case and it consequently converted itself into a court of criminal judicature.

After having heard submissions of the parties regarding punishment.

Considers:-

That the accused pleaded guilty to the charge brought against him and in thus the Court did not waste time in gathering further evidence. In the light of the accused's guilty plea, the charge brought against the accused has been proved.

In so far, as concerns punishment, the Court took into account the fact that the accused registered a guilty plea at a very early stage of the proceedings. The

Court heard the defence lawyer and the prosecuting officer suggest to the Court that it should give a suspended sentence of imprisonment.

Decide:-

Therefore, after having considered Articles 267, 270 and 279 of Chapter 9 of the Laws of Malta, the Court is finding the accused guilty of the charge brought against him and condemns him to two (2) years imprisonment, however, since the Court is of the opinion that there are sufficient reasons which warrant that the said term of imprisonment be suspended, in terms of Section 28A of Chapter 9 of the Laws of Malta, the said term of two (2) years imprisonment shall not take effect unless during a period of four (4) years from the date of this order, the offender commits another offence punishable with imprisonment and thereafter, the competent court so orders under Article 28B of Chapter 9 of the Laws of Malta, that the original sentence shall take effect.

In terms, of Section 28A(4) of Chapter 9 of the Laws of Malta, the Court explained to the accused in plain language his liability under Section 28B of Chapter 9 of the Laws of Malta if during the operational period of this suspended sentence he commits an offence punishable with imprisonment.

In terms of Article 392A(2) of the Criminal Code the Court orders that this judgment together with the record of the proceedings be transmitted to the Attorney General in terms of Law.

Dr. Caroline Farrugia Frendo LL.D.

Magistrate

Nadia Ciappara

Deputy Registrar