

Court of Magistrates (Gozo)
As a Court of Criminal Judicature

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

The Police
(Inspector Edel Mary Camilleri)

-vs-

Mustaf Biihi Abdi of 32 years son of Abdi and Fatima born in Mohadisho Somalia on the 1st of January 1985, residing at 3, Triq il-Mithna, Xewkija (I.D. No. 48598A)

Today 19th May 2017.

The Court;

Having seen the charges brought forward against the accused for having on the 19th May 2017 at about 2.30 hrs at Marsalforn Gozo, namely at Xaghra Road Gozo:

Attempted to commit theft aggravated by time and value, value of which accedes the amount of 2,329.37 euro, of which crime was not completed in consequence of some accidental cause independent of the will of the offender and this in violation to Article 41 (1) (a), 270 and 279 (b) of Chapter 9 of the Laws of Malta.

And also under the same date, time place and circumstances, wilfully committed any spoil, damage or injury to or upon any movable or immovable property belonging to John Gatt from Marsalforn Gozo, and this in violation to Article 325 (1)(a) of Chapter 9 of the Laws of Malta.

And also, has rendered himself recidivist in terms of articles 49 and 50 of Chapter 9 of the Laws of Malta after having been found guilty of sentences in the Court of Magistrates Malta, of which sentences have become definitive and cannot be changed.

The Court is also being humbly requested in case of conviction provides safety to John Gatt in terms of Article 383 of Chapter 9 of the Laws of Malta.

The Court is being humbly requested that in case of conviction, apart from the punishment applicable, applies article 383 and/or article 412 (C) for the safety and protection of person/s allegedly victim/s in this case.

While exhibiting the conviction sheet of the accused, I request that this case is investigated according to law.

The Court

After having heard the evidence and seen all the records of the case.

After having heard the offender plead guilty to the charges at the earliest stage of the proceedings, which guilty plea 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, and allowed him sufficient time to re-consider his reply, and to change it;

After having heard the oral submissions of the parties on the punishment also registered in the minutes;

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 of the proceedings, that he co-operated with the police and his conviction sheet.

For these reasons the Court after having seen sections 17, 41 (1) (a), 49, 50 270, 279 (b), 383 and 412 (C), 412 D of Chapter 9 of the Laws of Malta, on his admission, finds offender guilty of the charges brought against him and condemns him to two years imprisonment which by application of section 28 A of Chapter 9 are being suspended for a period of four (4) years from today.

The Court is also binding the offender to hold the peace with and not to molest John Gatt under a penalty of one thousand Euro (€1,000) for a period of one year from today.

The Court is also ordering the offender to pay the injured party John Gatt the sum of five hundred Euro (€500) within a period of three (3) months from today.

Also, by application of article 412 D of Chapter 9 of the Laws of Malta the Court order the use of a treatment order for a period of 12 months and puts him under the direction of probation officer Joseph Mizzi in order that his alcohol problem may be tackled.

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 judgment 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.

(sgd.) Dr Joanne Vella Cuschieri
Magistrate

(sgd.) Maureen Xuereb
D/Registrar

True copy

d/Registrar