



**Court of Magistrates (Malta)
As A Court of Criminal Judicature**

Magistrate Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)

Today, the 26th day of September, 2018

**The Police
(Inspector Jonathan Ransley)**

-vs-

**Albertus Johannus Leonard Springer, holder of Dutch Passport
number NP304K2R6**

Criminal Proceedings No.271/2018

The Court,

Having seen the charges brought against the accused **Albertus Johannus Leonard Springer**, who is being charged with having:

On the 26th February, 2018, at around noon from Kennedy Nova Hotel, the Strand, Gzira:

1. Committed theft of 2 mobile phones and/or other items to the detriment of Carmelo Frendo and Diandria Micallef and/or other persons, which theft is aggravated by person and amount, which exceeds two hundred and thirty-two euro and ninety-four cents (232.94);

On the 27th February, 2018, at 02:00 in the morning from Bus Stop Lounge, the Strand, Gzira:

2. Committed theft of Samsung tablet and/or other items to the detriment of Alan Galea and/or other persons, which theft is aggravated by time and amount which exceeds two hundred and thirty-two euro and ninety-four cents (232.94);

The court is being requested to deal with the accused as a recidivist as per article 49 and 289 of Chapter 9 of the laws of Malta, by judgement issued by the Court of Magistrates (Malta) which judgement has become absolute.

Having Considered:

Whereas having heard the accused plead guilty to all charges brought against him notwithstanding the fact that the Court warned him in the most solemn manner of the legal consequences of his guilty plea, and after having given him sufficient time within which to reconsider and withdraw his guilty plea;

Having heard witnesses;

Having seen all the acts and documents exhibited;

Having heard the prosecution and defence counsel make their submissions;

Considers:

Having heard the guilty plea of the accused to the charges brought against him, the Court has no alternative but to declare the accused guilty of the said charges.

With regards to punishment the Court took into consideration the accused's admission of guilt, the nature of the offences of which he stands charged and the circumstances of the case, in particular, the recommendations made by the Officer for Probation and Parole.¹

¹ Dok. JF

Notwithstanding the fact that as the probation officer testified the accused is indeed a recidivist as he is being charged, yet for reasons best known to the Commissioner of Police, his criminal conviction sheet is not updated to reflect this in spite of several solicitations forthcoming from the probation officer herself as indicated in her testimony. Consequently the Court cannot consider the accused as a relapser in spite of his admitting to all charges since this is not borne out by the evidence before it.

In view of the above, the Court, after having seen articles 17, 31, 261(c) (d)(f), 267, 268, 270, 279(a) and 280(1) and of the Criminal Code, upon his admission, finds the accused guilty of the charges brought against him and by application of section 7 of Chapter 446 of the Laws of Malta, is placing him under a Probation Order for a period of three years in terms of the conditions imposed in the Order given separately.

Furthermore in terms of article 412D of the Criminal Code, the accused is being placed under a treatment order for a period of three years so that he may be afforded the necessary psychological help to overcome his drug addiction.

The Court explained to the defendant in ordinary language the significance of this judgement and of the consequences should he fail to observe the conditions imposed.

In view of the above considerations the Court is ordering that this judgement together with the evidence of the Probation Officer is notified to the Commissioner of Police and the Chief Executive Officer of the Malta Police.

Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)
Magistrate