



**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR. GABRIELLA VELLA B.A., LL.D.**

**Police
(Inspector Silvio Magro)
Vs
Silberberg Helene**

Today, 20th October 2018

The Court,

After having considered the charge brought against Silberberg Helene, a French National, thirty seven (37) years of age, daughter of Jeanlouis and Donicie Genest, born on the 16th November 1981 in Moissette, residing at 56 Triq il-Parrocca, St Paul's Bay, and holder of French Passport Number 13CA46013, of having on 8th October from 11:00a.m. till the 18th October 3:00p.m., at Malta International Airport, with several acts committed even if at different times, which constitute violations of the same provision of the law and are committed in pursuance of the same design:

Committed theft of cash to the detriment of Amy Talbot and/or other persons, for the total amount of more than two hundred and thirty two Euros and ninety four cents (€232.94) but under two thousand, three hundred and twenty nine Euros and thirty seven cents (€2,329.37) which theft is aggravated with person and amount (Chapter 9 Art 267, 268);

After having examined the documents submitted in the records of these proceedings, namely: (a) the Consent by the Attorney General - Doc. "A"; (b) the Conviction Sheet of the accused - Doc. "B"; (c) a statement by the accused - Doc. "C"; (d) a Police incident report - Doc. "D"; (e) a photocopy of the accused's passport - Doc. "E"; (f) the work roster of the accused - Doc. "F"; (g) CCTV camera footage of the shop Talbot & Bons - Doc. "G"; and (h) the original passport of the accused which is being submitted "animo ritirandi"- Doc. "H";

After having heard the accused plead guilty to the charge brought against her and this also after the Court, in terms of Section 453(1) of Chapter 9 of the Laws of

Malta, warned her in the most solemn manner of the legal consequences of her guilty plea after having given her sufficient time within which to reconsider and withdraw her guilty plea;

After having heard submissions regarding punishment during which parties agreed that part of the money stolen was returned and therefore an effective imprisonment would not be a proper punishment in this case;

After having considered all the records of the proceedings;

Considers:

The accused is being charged of having on 8th October from 11:00 a.m. till the 18th October 3:00 p.m., at Malta International Airport, with several acts committed even if at different times, which constitute violations of the same provision of the law and are committed in pursuance of the same design, committed theft of cash to the detriment of Amy Talbot and/or other persons, for the total amount of more than two hundred and thirty two Euros and ninety four cents (€232.94) but under two thousand, three hundred and twenty nine Euros and thirty seven cents (€2,329.37) which theft is aggravated with person and amount, in terms of Sections 267 and 268 of Chapter 9 of the Laws of Malta.

The accused pleaded guilty to the charge brought against her. In view of said guilty plea the Court finds the accused guilty of the charge so brought against her.

In so far as concerns punishment the Court considered the fact that the accused submitted an early guilty plea, that part of the money which has been stolen has been returned and that she has a clean conviction sheet.

Therefore, after considering Sections 18, 261(c), (f) and(d), 268(d), 267, 270, 279(a) and 280 of Chapter 9 of the Laws of Malta, the Court reiterates that it is finding the accused guilty of the charges brought against her and condemns the accused to eight (8) months imprisonment, however in the circumstances of the case namely the early guilty plea by the accused, the clean conviction sheet of the accused and the fact that she returned part of the stolen monies, the Court finds sufficient reasons for the suspension of the eight (8) month term of imprisonment being imposed on the accused and therefore in terms of Section 28A of Chapter 9 of the Laws of Malta, the said term of eight (8) months imprisonment is being suspended for a period of one (1) year from today.

In terms of Section 28A(4) of Chapter 9 of the Laws of Malta, the Court explained to the accused in plain language her 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 Section 28H of Chapter 9 of the Laws of Malta the Court further condemns the accused to repay her employers the sum of six hundred Euro (€600), which sum must be paid in equal instalments of hundred (€100) each over a period of six months commencing on the 30th October 2018.

The Court explained to the accused the consequences should she fail to pay in full the sum of €600 in the manner and within the period of time set out in this judgment.

MAGISTRATE

DEPUTY REGISTRAR