



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

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

Today, the 1st day of November, 2018

**The Police
(Inspector Jonathan Ransley)**

-vs-

**Jennifer Apolinar, holder of Philippines Passport number P1455624A
NP304K2R6 and Maltese Identity card number 174606A.**

Criminal Proceedings No.425/2018

The Court,

Having seen the charges brought against the accused **Jennifer Apolinar**, who is being charged with having:

By several acts committed by herself, even if at different times, constituting a violation of the same provision of law and which were committed in pursuance of the same design,

On these Islands between December 2017 and February 2018:

By means of any unlawful practice, or by the use of any fictitious name, or the assumption of any false designation, or by means of any other deceit, device or pretence calculated to lead to the belief in the existence of any fictitious

enterprise or of any imaginary power, influence or credit, or to create the expectation or apprehension of any chimerical event, made any gain of €5,200 to the prejudice of Elsa Patimo, Eilen Bakabak and Sennia Sanson.

Having Considered:

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

Having heard witnesses;

Having seen all the acts and documents exhibited;

Having heard the prosecution and defence counsel make their submissions;

Having heard that the accused was in the course of refunding the injured parties, having refunded in full Ms Bakabak, having largely refunded Ms refunded Ms. Sanson, with only €200 still outstanding, whilst it was agreed by the parties that Ms.Patimo was only owed €600.

Considers:

Having heard the guilty plea of the accused to the charges brought against her, 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 she stands charged and the circumstances of the case, in particular, the reimbursements being made by her to the injured parties to make amends for her wrongdoing.

In view of the above, the Court, after having seen articles 17, 18, 31, 308, 309 and 310(1)(b) of the Criminal Code, upon her admission, finds the accused guilty of the charges brought against her and by application of article 22 of the Probation Act, Chapter 446 of the Laws of Malta, discharges the offender subject to the condition that she commits no offence during the forthcoming 3 years.

Furthermore in terms of article 24A of the Probation Act, Chapter 446 of the Laws of Malta, orders the accused to pay such the outstanding amounts due to Ms. Patimo (i.e. €600) and Ms. Sanson (i.e. €200) within the period of 1 month.

Such an order may be enforced in like manner as if it had been given in a civil action between the offender and the persons to whom the damages or compensation are ordered to be paid.

The Court explained to the defendant in ordinary language the significance of this judgement and of the consequences should she fail to observe the conditions imposed, namely that should the offender commit another offence during the period of conditional discharge, she will be liable to be sentenced for the original offence.

Finally the Court orders that the records of these proceedings be transmitted to the Attorney General within six working days.

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