



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

MAGISTRATE NATASHA GALEA SCIBERRAS B.A., LL.D.

Today: 22nd May 2019

**The Police
(Inspector Christina Delia)**

vs

**Noah Elias Nelson Heller
Swiss ID no: C7826983**

The Court,

Having seen the charges brought against the accused Noah Elias Nelson Heller aged 19 years, son of Urs Andre and Christa nee' Dunki, residing at 11, in-Nahla, Triq l-Istazzjon, Birkirkara and holder of Swiss Identification card number C7826983;

Charged with having on the 23th of April 2019 between nine in the evening and one in the morning of the 24th of April 2019 from 12, In-Nahla, Triq l-Istazzjon, Birkirkara,;

- a) Committed theft of credit cards which theft is aggravated by "Person" "Place" "Time" to the detriment of Marija Lourdes Sant and Piju Sant and/or other persons;
- b) With the intent to commit a crime of Fraud has manifested such intent by overt acts which were followed by the commencement of the execution of the crime, 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 credit or to create the expectation or apprehension of any chimerical event, attempted to make gain of 150 euro which amount does not exceed five hundred euro to the detriment of Bank of Valletta and/or other persons or entities.

The Court is also requested to apply Section 533(1) of Chapter 9 of the Laws of Malta, as regards the expenses incurred by court appointed experts.

After having seen all the acts of the proceedings, including the Order of the Attorney General in virtue of Subsection two (2) of Section 22 of the Dangerous Drugs Ordinance (Chapter 101), for this case to be heard by this Court as a Court of Criminal Judicature;

Having heard the prosecuting officer in brief and under oath explained the circumstances that led to the arrest of the accused, is satisfied that the arrest was justified and according to law and therefore confirms the said arrest.

Having heard the accused plead guilty to the charges brought against him, which plea was confirmed by the accused even after the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned her of the legal consequences thereof, and allowed her sufficient time to reconsider her reply and to retract it.

Having seen the records of the case;

Having heard submissions about the punishment to be inflicted.

Considered that:

In view of the guilty plea filed by accused the Court cannot but find him guilty of the charges brought against him.

For the purpose of the punishment to be inflicted, the Court took into consideration the early guilty plea of accused, his tender age, his clean criminal record and that he cooperated with the police during its investigation. It also took into consideration the circumstances of the case, that accused shall be leaving Malta in circa 2 weeks time and that the Prosecution is not insisting upon an effective term of imprisonment.

Conclusion

For these reasons, the Court after having seen Sections 17(h), 41(a), 261(d), (e), (f), 281(c), 308 and 310(c) of Chapter 9 of the Laws of Malta upon his guilty plea, finds accused guilty of the charges brought against him but in view of the considerations above made and by application of Section 22 of Chapter 446, discharges accused upon consideration that he does not commit any other offence with a period of three (3) years from today.

The court abstains from having note of Prosecution regulation in terms of Section 533 since no expenses were appointed.

The Court explained to the person sentenced, in simple terms, the legal consequences of this judgement should he commit any other offence punishable by imprisonment within the operative period of the suspended sentence.

Natasha Galea Sciberras
Magistrate