



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

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

Case number: 245/2020

Today: 8th June 2020

**The Police
(Inspector Alfredo Mangion)
(Inspector Joseph Xerri)**

vs

**Marta Ivaorscaia
Romanian Passport No: 055257604**

The Court,

Having seen the charges brought against the accused Marta Ivaorscaia, aged 30 years, daughter of Vasili and Irina nee` Kazak, born in Moldova on 5th March 1990, residing at 40, Le Malte House, Room 3, Triq Gorg Borg Olivier, St. Julian's and holder of Romanian Passport Number 055257604;

Charged with having on 1st June 2020 and/or the previous days and/or month/s from the place with number 81, 1A, Vjal il-Helsien, Żebbuġ, Malta and on these Islands:

1. Committed theft of a Rolex wrist watch, which value does exceed the amount of two thousand and three hundred and twenty-nine euro and thirty-seven

cents (€2,329.37c), which theft has been aggravated by amount, by person and by place, to the detriment of Jean (Jean Pierre) Schembri, and/or other persons, and/or other entities and this in breach of Articles 261(c)(d)(e), 267, 268(b), 269(g), 279(b), 280(1) and 281(a)(b) of Chapter 9 of the Laws of Malta;

2. Knowingly received or purchased any property which has been stolen, misapplied or obtained by any means of any offence, whether committed in Malta or abroad, or shall knowingly take part, in any manner, whatsoever, in the sale or disposal of the same and this is in breach of Article 334 of the Chapter 9 of the Laws of Malta;
3. With intent to commit a crime to the detriment of Jean (Jean Pierre) Schembri, and/or other persons and/or other entities, have manifested such intent by overt acts which were followed by the commencement of the execution of the crime, which crime was not completed in consequence of an accidental cause independent of her will, and this in breach of Article 41(1)(a) of Chapter 9 of the Laws of Malta.

And further charged with having on 4th June 2020 at around 19:15hrs at St. Julian's Police Station, St. Julian's and on these Islands:

4. With intent to harm Jean (Jean Pierre) Schembri, accused Jean (Jean Pierre) Schembri before a competent authority with an offence of which she knows such person to be innocent and this in breach of Article 101(1) of Chapter 9 of the Laws of Malta.

The Court was requested, upon pronouncing judgement or in any subsequent order, to sentence Marta Ivaorscaia to the payment, wholly or in part, to the Registrar, of the costs incurred in connection with the employment in the proceedings of any expert or referee, within such period and in such amount as shall be determined in the judgement or order as per Article 533(1) of Chapter 9 of the Laws of Malta.

Having seen the records of the proceedings, including the examination of the accused in terms of law, during which the said accused pleaded guilty to the charges brought against her, which plea she confirmed 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 heard the Prosecution declare that the second charge is alternative to the first charge brought against the accused;

Having heard submissions by the parties about the punishment to be inflicted.

Considered that:

In view of the guilty plea filed by the accused, and the Prosecution's declaration that the second charge is alternative to the first, the Court cannot but find the accused guilty of the first, third and fourth charges brought against her.

For the purpose of the punishment to be inflicted, the Court took into consideration the early guilty plea filed by accused, that she cooperated with the police during the investigation and also her clean criminal record. Furthermore, whilst taking into consideration the serious nature of the crimes of which the accused is being found guilty, the Court is also taking into account the particular circumstances of the case. Due consideration is also being given to the fact that the *res furtiva* has been returned to the victim and that neither the Prosecution, nor the *parte civile* are insisting upon an effective term of imprisonment.

Conclusion

For these reasons, the Court, after having seen Sections 17, 18, 41(1)(a), 101(1), 261(c)(d)(e), 267, 268(b), 269(g), 279(b) and 280(1) of Chapter 9 of the Laws of Malta, finds the accused guilty of the first, third and fourth charges brought against her, but in view of the considerations above made and by application of Section 7 of Chapter 446 of the Laws of Malta, is placing her under a Probation Order for a period of three (3) years from today, subject to the conditions imposed in the said Order, which Order shall form part of this judgement.

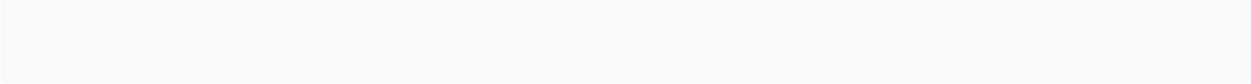
The Court explained to the person sentenced, in clear and simple terms, the legal consequences of this judgement should she commit any other offence within the operative period of the Probation Order or should she fail to comply with any of the conditions set out in the Probation Order.

The Court is not taking further note of the second charge, since this was declared by the Prosecution as an alternative charge.

Neither is the Court taking further note of the Prosecution's request in terms of Section 533(1) of Chapter 9 of the Laws of Malta since no experts were appointed in the course of these proceedings.

Orders that a copy of this judgement is transmitted to the Director of Probation and Parole.

Orders further that the records of the case and a copy of this judgement are transmitted to the Attorney General in terms of law.



Natasha Galea Sciberras
Magistrate