



**THE COURT OF MAGISTRATES (MALTA)
As a Court of Criminal Inquiry**

**MAGISTRATE
DR. CAROLINE FARRUGIA FRENDU
B.A. (Legal and Humanistic Studies), LL.D.,
M.Juris (International Law), Dip. Trib. Eccl. Melit.**

**The Police
Inspector Colin Sheldon
vs
Mustafa Mohamud Mohamed**

Today Wednesday, 29th May, 2019

The Court:

Having seen the charges brought against Mustafa Mohamud Mohamed of 31 years, born in Mogadishu, Somalia on the 3rd March 1988 and resides at 123, Triq Santa Marija, Zebbug Gozo and holder of ID Card Number 510944;

Charged him with having in these Islands, on the 21st May 2019 at about 17:25hrs, at the outlet 'Superdry', High Street, Sliema:

1. Committed simple theft of a jacket from the commercial establishment Superdry, the value of which does not exceed two hundred thirty-two euros and ninety four cents (€232.94) and this to the detriment of Robert Pace (for Dorkins Limited) and/or other persons in terms of Articles 285 of Chapter 9 of the Laws of Malta;

Also, with having in these Islands, on the 23rd May 2019 at about 2:21hrs, at the outlet 'Topsy', Triq it-Turisti, San Pawl il-Bahar:

2. Committed theft aggravated by time of a bottle of vodka from the commercial establishment Topsy, the value of which does not exceed twenty-three euros and twenty-nine cents (€23.29) and this to the detriment of Mariana Portelli and/or other persons in terms of Articles 281(a) of Chapter 9 of the Laws of Malta;
3. Finally, he is accused for being a recidivist in terms of Articles 49 and 50 of Chapter 9 of the Laws of Malta after he was found guilty and was given various sentences that are definitive and cannot be changed.

Having seen the Prosecuting Officer read out and confirming on oath the charges brought against the

accused during the sitting of the 29h May 2019.

Having seen all the documents exhibited in this case which are; the conviction sheet marked as Doc CS1, person details marked as Doc CS2, refcom certificate marked as Doc CS3, refusal for legal assistance marked as Doc CS4, statement marked as Doc CS5, two reports marked as Doc GS6 and CS7, estimate marked as Doc CS8 and jacket marked as Doc CS9.

The Court heard the accused register a guilty plea.

The Court has given the accused sufficient time to reconsider such guilty plea, has ordered the accused to consult with his lawyer of such guilty plea, and has explained the punishment that may be given in relation to the charges brought against his. The accused confirmed his guilty plea.

After hearing oral submissions regarding punishment.

Considered:

The Court, after having heard the accused register a guilty plea has no other option but to find the accused guilty of all the charges brought against him. With regards to the punishment which is to be inflicted the Court has to take into consideration the early guilty plea registered by the accused during a very early stage of the proceedings, in that the Court did not have to waste more time in gathering further evidence. However, the Court deems that an effective prison sentence is to be inflicted and this is due to the fact that the accused has a lengthy conviction sheet, in that the accused has never used the number of opportunities granted to him by the Court to reform himself.

Decide:

The Court after having seen Articles 49, 50, 281(a) and 284 of Chapter g of the Laws of Malta, finds the accused guilty of the charges brought against him upon his own guilty plea and condemns him to period of eight (8) months imprisonment.

Dr. Caroline Farrugia Frendo
Magistrate

Nadia Ciappara
Deputy Registrar