



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

MAGISTRATE DR MARSE-ANN FARRUGIA LL.D.

Sitting held to-day Monday, 25th January 2021

**The Police
(Superintendent Robert Vella)**

vs

Olegs Platonovs

The Court,

1. Having seen charges brought against:

Olegs Platonovs, 40 years, son of Vladimir Platonovs u Irina nee` Sorokina, born in Riga, Latvia on the 16th of June 1979, currently residing at Corradino Correctional Facilities, Paola, and holder of Maltese Identity Card number 51492(A), and Latvian passport number LV4126587;

Charged with having, on the 23rd August, 2019, at around 21:00hrs: -

1. from the establishment styled as 'Chick 'in Bites', situated in Saint Joseph High Road, Hamrun, committed theft of a mobile phone to the detriment of Alex Paul Sammut and/or of other persons, which theft is qualified with the value of stolen items which does not exceed

the sum of two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), and time;

2. The Court heard the evidence and saw all the records of the case and the documents exhibited.

3. The Court heard the accused plead guilty to the charges brought against him in the sitting of the 19th June 2020.

4. The Court warned the defendant of the seriousness of the charges preferred against him and that the maximum punishment for these charges is 3 years imprisonment.

5. The Court suspended the sitting so that the defendant could consult with his defense lawyer to see whether he wanted to retract his guilty plea.

6. When the case was called again, the Court asked the defendant whether he had enough time to consult his defense lawyer and he answered in the affirmative, and when asked by the Court what is his reply to the charges preferred against him, he confirmed his guilty plea.

7. The Court saw the pre-sentencing report of the Probation Officer presented in the sitting of the 14th September 2020.

8. The Court heard the evidence of the Prosecuting Officer in the sitting of the 12th October 2020, wherein he declared that during these proceedings the defendant had refunded in full the injured party all the damages he suffered, and presented a copy of the relative document.

9. The Court heard submissions of the parties on the punishment.

Considerations of the Court

10. From the evidence brought forward and from the guilty plea filed by the defendant himself, the Court concludes that the defendant is guilty of the charge brought against him.

11. As regards the punishment, the Court took into consideration the fact that the defendant registered a guilty plea at a very early stage of the proceedings, precisely in the first sitting before this court, and hence did not waste the time and resources of this Court and of the Police.

12. The Court also took into consideration that the injured party has been fully re-imbursed by the defendant for the damages he suffered, during these proceedings.

13. The conviction sheet of the defendant is not an alarming one, containing three convictions for various thefts. In the last judgement delivered against him, he was condemned to thirteen (13) months imprisonment and also to a treatment order which he is still following. Although the defendant has a long history of drug abuse, it seems that after coming out of prison, he is genuinely motivated to change his way of life, desist from the abuse of illicit substances and re-integrate in the community.

14. In his report, the Probation Officer concluded as follows:

“In view of the information gathered for the sake of this report, indications are that presently, Olegs Platanovs is leading a stable lifestyle. Hence, a care plan aiming to keep the accused engaged in maintaining such lifestyle, whilst focusing on dealing with his previous issue of substance abuse would be appropriate in this case. In addition to this, since employment is also a very important pillar in the life of the accused, efforts should be made for him to secure his current employment as chef in order for him to maintain financial independence.

Whilst taking note of all the information acquired, the accusations, the accused’s co-operation and having interviewed prosecuting officer Inspector Robert Vella, it is humbly being recommended that this Honourable Court should consider placing the accused Olegs Platanovs under a 3-year probation order. In doing this, the progress registered by the accused would not be disturbed but at the same time deter him from relapsing or re-offending due to the conditions being imposed on him by the same order.”

15. After taking into consideration all the circumstances of the case, the Court agrees with the recommendation of the Probation Officer that it should not inflict an effective jail

punishment, but should give the defendant a chance to continue to re-habilitate himself, in his own interest and that of society.

Conclusion

16. For the above reasons, the Court, after seeing Articles 261(c), 261(f), 267, 270, 279(a), 280(1) and 337(3) of Chapter 9 of the Laws of Malta, finds the defendant guilty of the charge brought against him, but in the light of the considerations above-mentioned, and by applying Section 7 of Chapter 446 of the Laws of Malta, the Court is putting the defendant under a Probation Order for a period of three (3) years from today, with the strict conditions which are being imposed in the Probation Order herewith annexed, which forms an integral part of this judgement.

The Court warned the defendant in simple language that if he commits another offence during the period of the Probation Order, or if he fails to abide by one of the conditions stipulated in the Probation Order, he can be condemned for the offences for which this Order has been issued, and the defendant has expressed his will to abide by the conditions of this Order.

The Court orders that a copy of this judgement, including the Probation Order herewith annexed be sent to the Director of Probation Services and Parole.

Magistrate

Doreen Pickard
Deputy Registrar