



The Court of Magistrates (Malta)

As a Court of Court of Criminal Judicature

Magistrate Dr. Nadine Lia

B.A., LL.M(Kent), LL.D; Barrister at Law (England & Wales)

The Police

(Inspector Rodrick Spiteri)

vs

Julius Lelkes

Today the 17th July 2021

The Court after seeing the charges in respect of Julius Lelkes, born in Slovakia on the 11th November 1976, residing at 16A, Triq il-Wied, Birkirkara, holder of Maltese ID Card Number 107649A

Having been charged that on these Maltese Islands on the 12th October 2019 and in the preceeding days, weeks and months, with several acts committed even if at different times and the constitute violations of the same provision of the law and in pursuance of the same design:

Committed theft from 'Carpet Zone', and/or any other property, at the detriment of 'Carpet Zone', Alfred Delicata ID 1233356M and/or any other person and/or other entity, which theft is aggravated by 'amount and by 'person'.

The court is asked to in case of guilt, pronounce judgment or in any subsequent order, sentence the person convicted 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, as per Art 533 of Cap 9 of the Laws of Malta.

Having seen that during the examination of the accused in the sitting of the 13th May 2021 done in accordance with article 392(1) of the Criminal Code, the accused pleaded not guilty to the charges against him.¹

Having seen that the accused subsequently registered a plea of guilt during the sitting of the 13th May 2021 and this after the Court repeatedly gave him the opportunity to seek legal advice from his legal counsel and after the Court was authorised to proceed nonetheless;

In view of the accused's declaration, the Court warned him in the most solemn manner of the consequences arising out of his guilty plea and granted him a reasonable time within which to retract such guilty plea should he so wish. After the Court granted this time to the accused, and after giving him the option to seek advice from his legal counsel, the accused reiterated that he is guilty as charged.

¹ Page 7 act of proceedings

In view of this declaration, duly reiterated, the Court has no option but to find the accused guilty as charged in accordance with article 392A of Chapter 9 of the Laws of Malta and could proceed to deliver judgment against him.

Having seen that there exist no valid reasons in accordance with article 392A(3) of Chapter 9 of the Laws of Malta for the Court to doubt the validity of such plea of admission, or that the accused is not guilty of the crimes with which he is charged. Therefore the crimes are sufficiently proven.

Having seen the records of the proceedings as well as the documents filed together with the charge sheet and the particular circumstances of this case;

Having heard submissions by the parties on the punishment;

Having seen the case was put off for judgment for today;

Having Considered

The facts of the case

This case concerns a theft by the accused of carpets that took place on the 12th October 2019 from a commercial outlet selling such items.

Having considered

The punishment

The Court in its deliberations concerning the punishment took note of the following factors:

- The admission of the accused. The accused admitted at the earliest opportunity in the proceedings and therefore should benefit from the fact that he registered an admission during the early course of proceedings and this shall serve in his favour in the circumstances of the cases.
- The accused has a clean criminal record and it is the first time that he has been charged with theft.
- The prosecution in its final submissions informed the Court that the accused offered and gave his full cooperation during the investigation and he refunded and compensated the victim in full.
- The accused expressed regret for his action as evidence in the statement of the accused as well as his declarations in open court.
- The court heard the victim declare that he has forgiven the victim, has been fully compensated and he is helping the accused to reform his character.
- The prosecution reiterated that it was not insisting on a term of effective imprisonment as a punishment and that a non custodial alternative to imprisonment in the form of a conditional discharge would serve as a suitable punishment.
- The defence in its final submissions concurred with the prosecution that a non custodial alternative to imprisonment would be the most effective form of punishment and that a conditional discharge would be an appropriate punishment considering the circumstances of the case.

- Article 142(1) of the Criminal Justice Act 2003 in England establishes five principles that should be considered when calibrating the appropriate punishment:

(a) the punishment of offenders (b) the reduction of crime (including its reduction by deterrence) (c) the reform and rehabilitation of offenders (d) the protection of the public (e) the making of reparation by offenders to persons affected by their offence.

Decide

The Court, upon the unconditional guilty plea registered by the accused charged and after having seen articles 261(c)(d), 267, 268, 279(a), 280(1), 281(a), of the Criminal Code of Chapter 9 of the Laws of Malta, finds Julius Lelkes guilty as charged of all the charges against him and releases him on the condition that he does not commit another offence within the next three (3) years in accordance to article 22(1) of Chapter 446.

The Court explained to the accused the consequences and obligations emanating from the sentence in plain and simple language in accordance to article 22(3) of Chapter 446 of the Laws of Malta.

Furthermore, in view of the fact that no experts were appointed in this case, the Court abstains from taking further cognisance of the prosecutions requests in terms of Article 533 of Chapter 9 of the Laws of Malta.

Finally, the Court, after having seen Article 392A of the Criminal Code orders that this judgment together with the records of the proceedings be transmitted to the Attorney General within six working days in terms of law.

Delivered today the 17th July 2021, at the Courts of Justice in Valletta, Malta.

Dr. Nadine Lia

Magistrate

Lorianne Spiteri

Deputy Registrar