



**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR. GABRIELLA VELLA B.A., LL.D.**

**The Police
(Inspector Jonathan Ransley)**

Vs

Elena Susnea

Today, 21st October 2021

The Court,

After considering the charges brought against Elena Susnea, thirty-two (32) years of age, born in Romania on the 4th June 1989, daughter of Aurel and Nela neè Rosu, residing at Hub Apartments, Flat 1/2, Triq il-Mensija, St. Julians and holder of Romanian Identity Card Number ZL388137, of having during the month of October 2021 and/or the months before in these Islands:

1. Knowingly received or purchased any property which had been stolen (mobile phone Samsung), misapplied or obtained by means of any offence or knowingly took part, in any manner whatsoever, in the sale or disposal of the same;
2. Acquired, possessed for whatever purpose, kept or imported arms proper and ammunition, such as ammunition that discharges a lethal or irritant substance such as teargas and stun gun, without a licence or authorisation from the Commissioner;

After considering the request by the Prosecution for the Court to order the forfeiture of arms proper as per Section 56 of Chapter 480 of the Laws of Malta;

After considering the documents submitted in the records of these proceedings by the Prosecution namely: (a) a photocopy of the Romanian Identity Card of the accused - Doc. "JR1"; (b) the Conviction Sheet of the accused - Doc. "JR2"; (iii) an application for the issue of a Search and Arrest Warrant against Elena Susnea, the accused, and the Search and Arrest

Warrant issued against the said Elena Susnea - Doc. "JR3"; (iv) a Police Incident Report concerning this case - Doc. "JR4"; (v) a receipt for items seized from the possession of the accused dated 9th October 2021 - Doc. "JR5"; (vi) the statement given by the accused - Doc. "JR6"; (vii) a receipt of items returned to the accused dated 9th October 2021 - Doc. "JR7";

After considering that at first the accused replied that she is not guilty of the charges brought against¹, however during the sitting held on the 19th October 2021², the accused registered a guilty plea to all the charges brought against her;

After hearing testimony by Inspector Jonathan Ransley given during the sitting held on the 21st October 2021 and after considering the exhibits submitted by him marked as Doc. "JRT1", Doc. "JRT2" and Doc. "JRT3".

After hearing the Prosecution and the Defence Counsel agree that the mobile mentioned in the first charge against the accused does not exceed the sum of €2329.37;

After considering that during the sitting held on the 21st October 2021, the accused reiterated her guilty plea and this also after the Court, in terms of Section 392A(1) of Chapter 9 of the Laws of Malta, warned her in the most solemn manner of the legal consequences of her guilty plea after having given her sufficient time within which to reconsider and withdraw her guilty plea;

After considering that following the guilty plea by the accused, in terms of Section 392A(2) of Chapter 9 of the Laws of Malta, the Court, as a Court of Criminal Judicature, is to proceed to pass on the accused such sentence as would according to law be passed on an accused convicted of the offences with which the accused in the proceedings is being charged;

After hearing submissions regarding punishment;

After considering all the records of the proceedings;

Considers:

The accused is being charged of having during the month of October 2021 and/or the months before in these Islands: (1) Knowingly received or purchased any property which had been stolen (mobile phone Samsung), misapplied or obtained by means of any offence or knowingly took part, in any manner whatsoever, in the sale or disposal of the same; (2) Acquired, possessed for whatever purpose, kept or imported arms proper and

¹ Folio 6 of the records of the proceedings.

² Folio 26 of the records of the proceedings.

ammunition, such as ammunition that discharges a lethal or irritant substance such as teargas and stun gun, without a licence or authorisation from the Commissioner.

The accused initially replied that she is not guilty of the charges brought against her but subsequently declared that she is guilty of the charges so brought against, which guilty plea was reiterated by her during the sitting held on the 21st October 2021. In view of said guilty plea the Court finds the accused guilty of the charges brought against her.

After considering Sections 17(b), 279(a), 334(a) of Chapter 9 of the Laws of Malta and Sections 3(a) and 51(1)(a) of Chapter 480 of the Laws of Malta, the Court, whilst reiterating that it is finding the accused guilty of the charges brought against her, condemns her to two (2) years imprisonment however, since the Court is of the opinion that in this case there are sufficient reasons which warrant the suspension of the term of imprisonment herein imposed, namely the relatively early guilty plea by the accused and the relatively clean Conviction Sheet of the accused, in terms of Section 28A of Chapter 9 of the Laws of Malta the said term of two (2) years imprisonment is being suspended for a period of four (4) years from today.

In terms of Section 28A(4) of Chapter 9 of the Laws of Malta, the Court explained to the accused in plain language her liability under Section 28B of Chapter 9 of the Laws of Malta if during the operational period of this suspended sentence she commits an offence punishable with imprisonment.

For the purposes of monitoring of the accused and also for the accused to receive the necessary counselling and treatment for her to rehabilitate herself from her drug addiction and from the commission of crime in general, in terms of Section 28G of Chapter 9 of the Laws of Malta the Court is placing the accused under the supervision of a supervising officer for a period of four (4) years from today and under the terms and conditions set out in a Decree which is being issued today and is being attached to this judgement and forms an integral part thereof.

In terms of Section 28G(4) of Chapter 9 of the Laws of Malta, the Court orders that a copy of this judgement and of the Decree setting out the terms and conditions for the Supervision Order being imposed on the accused, be served forthwith to the Director of Probation Services.

The Court explained to the accused in plain language that if at any time while the Supervision Order being imposed upon her is in force it appears to the Court that made the order, on the written report of the supervising officer, that she has failed to comply with any of the requirements set out in the Decree for the issue of the Supervision Order, the Court shall cause her to be

brought before it and if, after hearing her, is satisfied that such failure has occurred, it may, in serious or repeated cases order that the suspended sentence passed in this case by means of this judgement, shall have effect, or, without prejudice to the continuation of the order, impose on her a fine (*ammenda*) not exceeding €232.94.

In terms of Section 56 of Chapter 480 of the Laws of Malta, the Court orders the forfeiture of exhibits, namely the stun gun and the pepper spray, marked Doc. "JRT1".

In terms of Section 392A(2) of Chapter 9 of the Laws of Malta, the Court orders that the records of the proceedings, together with a copy of the judgement and of the Decree setting out the terms and conditions for the Supervision Order being imposed on the accused, be transmitted to the Attorney General within six (6) working days.

MAGISTRATE

DEPUTY REGISTRAR