



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

**Magistrate Dr. Joseph Mifsud B.A. (Legal & Int. Rel.),
B.A. (Hons), M.A. (European), LL.D.**

**The Police
(Inspector Roderick Attard)**

vs

Heidi Jennifer Payne

Today 29th October 2021

The Court,

Having seen the charges against Heidi Jennifer Payne, daughter of Andrew Payne and Sara Hobbs, born at Maidstone, United Kingdom on the tenth (10th) of February of the year two thousand and three (2003) holder of Maltese Identity Document number 262392 (A) charged with having between the 17th of November 2020 and the 18th of March 2021 within the establishment Oysho shop, Pull and Bear and Bershka situated within Tigne' Shopping Complex, Sliema:

1. By several acts committed by the offender, even if at different times, constitute violations of the same provision of the law, and are committed in pursuance of the same design, such acts shall be deemed to be a single offence, stole clothing and lingerie, which theft is to the detriment of Carant Trading Limited and/or other entities.

And charge her with having between the 4th March 2021 and the 24th March 2021 in the Maltese Islands:

2. Converted to her own benefit or to the benefit of any other person, anything which has been entrusted or delivered to her under a title which implies an obligation to return such thing or to make use thereof for a specific purpose (Articles 293, 294 of Chapter 9 of the Laws of Malta)
3. And of having on the same dates, time and place, by means of any unlawful practice, or by the use of any fictitious name, or the assumption of any false desination, or by means of any other deceit, device or pretence calculated to lead to the belief in the existence of any fictitious enterprise or of any imaginary power, influence or credit, or to create the expectation or apprehension of any chimerical event, gained the sums of seven thousand euros, three hundred and twenty euros (7,320 euros) and the sum of three thousand nine hundred and fifty three sterling (£3,953.10) to the prejudice of Video Slots Limited (Article 308 of Chapter 9 of the Laws of Malta).

And accuse her further of having on the 20th October 2021 at Bershka, Tigne Shopping Complex, Sliema between 13:30hrs and 16:15hrs:

4. With intent to commit theft had manifested such intent by overt acts which are followed by a commencement of the execution of the crime, which theft would have been to the detriment of Carant Trading Limited and/or other entities.

The Court was requested to apply Mutadis Mutandis the provisions of article 5 of the act against Money Laundering, Chapter 373 of the Laws of Malta, as provided in Article 23A (2) of Chapter 9 of the Laws of Malta in regards to the accused.

The Court was requested that in case guilt is found in the proceedings, orders the accused to pay any costs incurred in the appointments of any court expert if the case is in accordance with provisions of Article 533 of Chapter 9 of the Laws of Malta.

Having seen the documents exhibited and all the acts of the proceedings.

Having heard, during today's sitting, the accused admitting to all the charges brought against her, which guilty plea was reaffirmed by the accused after having been given sufficient time according to Law to reconsider the same;

Having heard oral submissions regarding punishment;

Considers:

That in view of the guilty plea filed by the accused the Court finds the accused guilty as charged.

That in considering the punishment to be inflicted, the Court is taking into consideration the early guilty plea filed by the accused and also her young age;

Consequently, the Court after having seen Articles 18, 41(1)(a), 284, 285, 293, 294 and 308 of Chapter 9 of the Laws of Malta; Regulation 9 of Subsidiary Legislation 101.02 and Article 7 of Chapter 446 of the Laws of Malta, finds the accused guilty as charged.

The Court orders that the accused is to be subjected to a Probation Order with the attached conditions for a period of three (3) years from today.

The Court, in terms of Article 7 (7) of Chapter 446 of the Laws of Malta, has warned the offender about the legal consequences if she commits another crime within the prescribed operative period of the Probation Order and/or if he fails to abide by one of the orders stipulated in the Probation Order, and the offender confirmed her will that he will abide by this Probation Order.

The Court, in terms of Article 7 (8) of Chapter 446, orders that a copy of this judgement be sent to the Director Probation Services and Parole so

that he assigns a Probation Officer to be responsible for the supervision of the accused Heide Jennifer Payne.

The Court abstains from taking cognizance of the Prosecution's request wherein it asked the Court to order the accused to pay the expenses related to the appointment of experts since no such experts were ever appointed.

The Court orders the acts to be sent to the Attorney General according to Law, withing 6 working days.

Dr. Joseph Mifsud
Magistrate

Margaret De Battista
Deputy Registrar