



MALTA

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

MAGISTRATE DR IAN FARRUGIA LL.D

Today 7th January 2022

**The Police
(Inspector Christina Delia)**

Vs

George- Cristian Mandrescu

The Court;

Having seen the charges brought against **George-Cristian Mandrescu** holder of Romanian Identity document number: ZL 252135 charged with having :

1. On the 19th November 2015, sometime between ten past nine in the morning and one thirty in the afternoon (09:10hrs and 13:30hrs), from No. 366, Flt. 1, Triq il-Kbira San Guzepp, St.Venera, committed theft of jewellery and other belongings, which theft is aggravated by 'Means', 'Amount' which exceeds two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37) and 'Place', to the detriment of **Lorraine Cilia and Joseph (Joseph Saviour) Deguara** and/or any other person/s;

The Court is humbly requested to deal with the accused as a recidivist under article 49,50 and 289 of Chapter 9 of the Laws of Malta, after being sentenced by a judgment which has become absolute.

We humbly request that in pronouncing judgment, the court orders the offender to make restitution to the injured party of any property or proceeds stolen or knowingly received or obtained by fraud or other unlawful gain to the detriment of such party by or through the offence, or to pay to such party such sum of money as may be determined by the Court as compensation for any such loss as aforesaid or for any damages or other injury or harm in accordance to Article 15A of Chapter 9 of the laws of Malta.

We humbly request that in pronouncing judgment or in any subsequent order, the court sentences the person convicted to the payment of the costs incurred in connection with the employment in the proceedings of any expert or referee in accordance to Article 533 of Chapter 9 of the laws of Malta.

Having heard prosecuting officer on oath;

Having seen all the documents exhibited in the acts of these proceedings;

Having heard accused plead guilty to the charges brought against him during today's arraignment and his insistence on such guilty plea after being given time according to law to reconsider;

Having considered the accused's declaration as minuted in today's sitting, following his guilty plea, that he had enough time to think and reconsider such guilty plea, that he clearly understood the nature of the charges brought against him, and that he understood clearly that his guilty plea, as pointed out by this Court, was to lead to serious consequences in terms of punishment;

Having heard submissions by the prosecution and the defence in terms of punishment;

Considers;

That in view of the accused's guilty plea to all charges proffered against him, and since there is no reason emanating from these proceedings why this Court should not accept such plea, it is the duty of this Court to proceed with judgement and declare the accused guilty as charged.

In terms of punishment, this Court is taking into particular consideration the fact, that the accused pleaded guilty at the earliest possible opportunity in these proceedings, that he co-operated fully with the police while being investigated, to the extent that he even gave details of objects which he had stolen and therefore the investigators could match said objects with the objects reported stolen, and that he admitted to his involvement even during police interrogation.

As declared by the defence, at the time of the commission of the offence, the accused was afflicted by severe drug abuse, which abuse was however since then adequately addressed.

With respect to the request by the prosecution to deal with the accused as a recidivist, the Court points out that the documents exhibited and presumably relevant to the determination of this aspect of the proceedings, are actually in the Romanian language and therefore, for obvious reasons at law, the Court will abstain from taking cognisance of the said documents.

The Court also considered the Prosecution's declaration that the accused was arrested, on the basis of a European Arrest Warrant (precisely to be extradited to face these proceedings) on the 11th November 2021 and was held under arrest since then. And therefore in terms of law this arrest should be deducted from any effective imprisonment, should the Court not decide otherwise.

Conclusion.

THEREFORE, IN VIEW OF THE ABOVE THE COURT, having seen Articles **261(b)(c)(e), 263, 267, 269(g), 278, 279(b) and 280(2) of the Laws of Malta**, finds and declares offender **George-Cristian Mandrescu** guilty as charged, without however declaring him a recidivist, and condemns him to twenty-one (21) months imprisonment.

The Court draws the attention of the Director of Corradino Correctional Facility that the accused was arrested, on the basis of a European Arrest Warrant (precisely to be extradited to face these proceedings) on the 11th November 2021 and was held under arrest since then. And therefore in terms of law this arrest should be deducted from the effective imprisonment imposed by this judgement.

Dr Ian Farrugia LL.D
Magistrate

Marica Mifsud
Deputy Registrar