



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

**MAGISTRATE  
DR. JOSEPH GATT LL.D.**

**Hearing of the 2nd of September, 2023**

**Case Number: 701/2023**

**The Police  
(Inspector Clayton Camilleri)  
(Inspector Andrew Agius Bonello)**

**VS**

**Alessandro Iozza  
(Italian Passport Number YB3509884)**

**The Court;**

Having seen the charges brought against the accused Alessandro Iozza of 24 years, son of unknown parents, born in Gela, Scicily on the 18th July 1999, resident at 61, Triq Il-Klin, Iklin, and holder of Italian passport number YB3509884, charged with:

1. *Having on the 31st August 2023 at FL2, Minor Eagle Court, Triq tas-Sisla, Birkirkara committed theft of a number of objects and cash, to the detriment of Chaea Park and/or another person/persons, and or another entity/entities, which theft is aggravated by means, place and amount, which amount exceeds two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37);*
  
2. *Having on the same date, time, location and circumstances, wilfully committed spoil, damage or injury to or upon any movable or immovable property, that is to say you damaged a door, gate and blinds to the detriment of Joseph Portelli and/or another person/persons, and or another entity/entities;*

The Court was also asked that in case of guilt, besides the punishment, the accused is to be ordered to pay for all the expenses of experts, as stated in Article 533 of Chapter 9 of the Laws of Malta.

Having seen that in today's sitting<sup>1</sup>, the accused registered a guilty plea to the charges brought against him.

Having seen that after the Court warned him in the most solemn manner about the legal consequence of his reply and allowed the accused a period of time for him to reply after consultation with his lawyer, the same accused reiterated his guilty plea.

Having seen the documents exhibited by the prosecution.

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<sup>1</sup> Relative minute commences at fol 6 of the acts of the proceedings.

Having seen the joint application filed by the prosecution and the defence, in terms of article 392A(5) of Chapter 9 of the Laws of Malta, whereby they requested the Court to impose a judgement of one (1) year imprisonment suspended for four (4) years, in case the accused pleads guilty.

Having seen the acts of the case.

## **Considered**

### **1) Facts and admission of guilt.**

Whereas the facts of the case emerge from the documentation of the acts of these proceedings and thus there is no need for a repetition of the same. It is evident that this was a one-time offence, brought about by a situation with the accused's ex-girlfriend, which situation is now finalised.

Whereas the accused decided to admit to the charges brought against him, which admission was repeated by himself after having been given enough time to reconsider his position.

Whereas considering this<sup>2</sup>, the Court is therefore finding the accused guilty of the charges brought against him.

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<sup>2</sup>Regarding the effects of a guilty plea, the Court refers to the cases **Il-Pulizija vs George Cassar Desain**, given by the Court of Criminal Appeal (Inferior Jurisdiction) on the 27th of October 1962; **Il-Pulizija vs Andre Falzon**, (App Nru: 385/2015) given by the Court of Criminal Appeal (Inferior Jurisdiction) on the 19th of November 2015 **Il-Pulizija vs Godfrey Formosa**, (App Nru: 99/2017) given by the Court of Criminal Appeal (Inferior Jurisdiction) on the 26th of October 2017.

## **2) Punishment**

Whereas in the present case, the prosecution and the defence requested that this Court imposes a sentence of one (1) year imprisonment, which effects are to be suspended for four (4) years.

Whereas this Court, having seen that what was requested in the joint application falls within the parameters of the law; the fact that the accused had, until today, an untainted criminal record; his early admission to these charges and more importantly the fact that he voluntarily returned the stolen items prior to his arraignment (thus accused should benefit from the mitigation envisaged in article 337(2) of Chapter 9 of the Laws of Malta), is acceding to the joint request.

## **3) Conclusion**

For these reasons, the Court, after seeing articles 261(b), (c) and (e), 263(a), 267, 269(g), 278(3), 279(b), 280(2), 281(a), 325 and 533 of Chapter 9 of the Laws of Malta, finds the accused guilty of the charges brought against him and condemns him to one (1) year imprisonment. However, in light of the considerations above-mentioned, this term of imprisonment is being suspended for a period of four (4) years from today, in terms of Article 28A(1) of Chapter 9 of the Laws of Malta.

In accordance with Articles 28A(4) of Chapter 9 of the Laws of Malta, the Court explained to the convicted offender in ordinary language his liability under article 28B of Chapter 9 of the Laws of Malta, if during the operational period he commits an offence punishable with imprisonment.

The Court is also condemning the convicted offender, as per article 533 of Chapter 9 of the Laws of Malta, to pay all the costs incurred in the inquiry related to these proceedings, within two (2) months from when the Registrar notifies him of the same.

The Court is finally, in terms of article 392A(2) of Chapter 9 of the Laws of Malta, ordering that within six (6) working days, the Attorney General is to be given access to a scanned copy of the records, together with access to a scanned copy of the judgment.

**Dr Joseph Gatt LL.D.**  
Magistrate

**Annalise Spiteri**  
Deputy Registrar