



MALTA

**IN THE COURT OF MAGISTRATES (MALTA)
AS COURT OF CRIMINAL JUDICATURE**

**MAGISTRATE
DR. CHARMAINE GALEA**

Today the 12th October 2023

The Republic of Malta

vs

**Dusan Penzes
(Holder of Slovenian Identity Card number: 5893221)**

The Court,

Having seen that the defendant **Dusan Penzes** was charged with having on the 8th of August 2023 between 09:30 hrs and 11:00 hrs in the morning in Gorg Borg Olivier Street, Mellieħa and/or elsewhere in these Islands:

1. Committed theft of money and/or other objects, which theft is aggravated by the **nature of the thing stolen** and **amount**, which amount of the things stolen did not exceed two thousand and three hundred and twenty-nine euros and thirty-seven cents (€2,329.37) and this to the detriment of **Cassar Camilleri Ltd** and/or any other person/s and/or any other entity and/or other entities and this in violation of articles 261(c)(g), 267 , 271(g), 279(a) and 280(1) of Chapter 9 of the Laws of Malta.

And furthermore, on the 4th October 2023 between 08:00hrs and 09:00hrs in the morning in Gorg Borg Olivier Street, Mellieħa and/or elsewhere in these Islands:

2. Committed theft of several objects, which theft is aggravated by the **nature of the thing stolen** and **amount**, which amount of the things stolen did not exceed two thousand and three hundred and twenty-nine euros and thirty-seven cents (€2,329.37) and this to the detriment of **Luke Burke, Adam Galea** and **Charles Grech Ltd** and/or any other person/s and/or any other entity and/or other entities and this in violation of articles 261(c)(g) , 267, 271(g), 279(a) and 280(1) of Chapter 9 of the Laws of Malta.

And furthermore, on the 4th of October 2023 at around 09:00hrs in the morning in Triq il-Kbira, Mellieħa and/or elsewhere in these Islands:

3. With the intent of committing a crime, manifested such intent by overt acts which were followed by a commencement of the execution of the crime, which crime was not executed due to something accidental and independent of his will and if it had been executed it would have been the crime of simple theft, to the detriment of **Luke Burke** and/or any other person/s and/or any other entity and/or other entities and this in violation of Articles 41(1)(a), 284 and 285 of Chapter 9 of the Laws of Malta.

And furthermore, on the 6th of October 2023 between 09:00hrs and 10:30hrs in the morning in Gorg Borg Olivier Street, Mellieħa and/or elsewhere in these Islands:

4. Committed theft of several objects, which theft is aggravated by the **nature of the thing stolen** and which was done to the detriment of **Clint Xuereb** and/or any other person/s and/or any other entity and/or entities another and this in violation of Articles 261(g), 271(g) and 281(a) of Chapter 9 of the Laws of Malta.

And furthermore, during the months of August 2023 and October 2023 in Mellieħa and/or elsewhere in these Islands:

5. Committed several crimes while he was under the operational period of a suspended sentence that was given to him on the **23rd of March 2023** by Magistrate **Dr. Rachel Montebello LL.D** and this in violation of Article 28B of Chapter 9 of the Laws of Malta.

The Court was being kindly requested to consider Dusan Penzes as a recidivist in case of guilt, by virtue of a sentence that has become res judicata and this is in terms of Articles 49, 50 and 289 of Chapter 9 of the Laws of Malta.

Having seen that the acts of the proceedings;

Having heard the defendant plead guilty to all the charges brought against him, which guilty plea was confirmed after the Court explained to him the punishment for the charges brought against him and gave him time to reconsider such plea;

Having heard the submissions regarding the penalty to be meted out.

Having considered:

The defendant admitted the charges brought against him and hence the Court is of the opinion that the same charges have been sufficiently proven;

Regarding the penalty to be meted out, the Court took into consideration the nature of the offences and the defendant's conviction sheet and also the fact that the offences were committed during the operational period of a suspended sentence.

DECIDE

Wherefore the Court, after having seen articles 28B, 41 (1) (a), 49, 50, 261(c)(g), 267 , 271(g), 279(a) and 280(1), 281 (a), 284, and 285 and 289 of the Criminal Code, on his admission finds defendant **Dusan Penzes** guilty of all the charges brought against him and condemns him to forty four (44) months imprisonment for the first, second, third and fourth charges.

With regards to the fifth (5) charge, since the defendant has been convicted of offences punishable with imprisonment committed during the operational period of a suspended sentence imposed on the accused by virtue of a judgement dated 23rd March 2023, the Court is hereby revoking the same suspended sentence and condemns the defendant to a further sixteen (16) months imprisonment.

Hence the defendant is being condemned to serve a **total of sixty (60) months imprisonment.**

The Court is not taking cognizance of the request of the Prosecution to condemn the defendant to pay the expenses incurred by Court appointed Experts as no experts were appointed. In the circumstances, the Court also does not deem it fit to apply section 15A of the Criminal Code. Neither does the Court feel there

is need to apply any of the measures indicated in the charge sheet to protect the injured parties as the defendant has no personal issues with any of the victims.

Dr. Charmaine Galea
Magistrate

Antonella Cassar
Deputy Registrar