



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

**MAGISTRATE DR.
ANTONIO MICALLEF TRIGONA**

Sitting of the 8th March, 2007

Number 143/2007

**THE POLICE
(INSPECTOR DANIEL ZAMMIT)**

VS

MARIANNA MITERA ILIEVA

The Court;

Having seen the charges brought by the Prosecution against Mariana Miteva Ilieva, daughter of Mityo Mihov Pantaleev and Evda Ivanova Varbarnovs, born in Pavlikeni, Bulgaria on the 14th of March, 1963, holder of bulgarian passport number 34606121, residing at The Milano Due Hotel, The Strand Sliema;

1. Accused of having on the 14th of February, 2007 at around 17:15 hrs, in the afternoon in Zara Complex, Tower Road, Sliema, tried to steal from the person of

Informal Copy of Judgement

Sandra Martin, holder of spanish passport number 2644868Y, which theft would have exceeded the amount of one hundred maltese liri (Lm100.00), but not one thousand maltese liri (Lm1,000.00), and with intent to commit a crime she has manifested such intent by overt acts which were followed by a commencement of the execution of the crime, and such crime was not completed in consequence of some accidental cause independent of the will of the offenders;

2. And also of having on the 8th of February, 2007 at aruond 17:30hrs in the afternoon, in Zara Complex, Tower Road, Sleima stolen from the person of Glenda Caruana, holder of identity card number 47690M, which theft exceeded Lm10.0 (ten maltese liri), but did not exceed Lm100.00 (hundred maltese liri).

Having the Attorney's General note that the case be heard summarily, which request the accused did not oppose;

Having heard the evidence produced by the Prosecution;

Having heard the oral submissions of the Prosecution and Defence counsel;

Having seen all the records and documents of the proceedings;

Considers;

That the charges brought against the accused by the Prosecution refer to two distinct and separate instances, in which the accused was browsing inside the shop styled Zahra, in The Strand, Sliema, and allegedly captured on film, to have stolen from a certain Glenda Caruana an amount of more than Lm10.00 (ten maltese liri) but which did not exceed Lm100.00 (hundred maltese liri); and with reference to the second charge, that of the 8th February, 2007 with attempting to steal from the handbag of a certain Sandra Martin, a spanish national, with reference to the first charge.

That on carefully evaluating the evidence produced by the Prosecution, who has the sole burden to prove its case beyond a reasonable doubt, this Court is of the view that there is close to nothing which induces even a moral conviction that the accused is guilty as charged. Considering the film on CD and the stills reproduced, it does not result to the Court that the person in question is without doubt the accused. Conjectures and assumptions even if based on what could be probable cannot bring about a verdict of guilt. In the case in question, the prosecution seems to rely solely on the film and the stills reproduced from it to prove its case supplemented by the evidence of one of the alleged victims with reference to the second charge. The Court is not however morally convinced that the evidence is sufficiently clear and unequivocal that the charges can reasonably and safely be said to have been proven against the accused, although the accused does not deny, as results from her statement released to the police, that she was in the shop in question on both occasions.

Therefore, in view of the above, it declares accused not guilty of the charges brought against her, and consequently acquits her.

< Final Judgement >

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