



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

**MAGISTRATE
ANTONIO GIOVANNI VELLA**

Sitting of the 23rd November, 2009

Number 1237/2009

**POLICE
INSPECTOR TREVOR MICALLEF**

VS

JAMIE PAUL DAY

The Court;

After seeing the charges brought against:

Jamie Paul Day 31 years, son of Terence and Julie nee' Asworth, born 23rd September 1978, England, residing at Pace's Guest House, 10, St. Agatha Street, Sliema, holder of British passport number 456875058;

For Having in these Islands on the 4th November 2009 between the hours of 3.00pm and 9.00pm in St. Julian's;

1) by means of any unlawful practice, or by the use of any fictitious name, or the assumption of any false designation, or by means of any 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, made gain of more than €233 but less than €2330 to the prejudice of Irina Lyakhteynen and HSBC;

2) further accused that on the same date, times, place and circumstances committed forgery of any authentic and public instrument or of any commercial document or private bank document, by counterfeiting or altering the writing or signature, by feigning any fictitious agreement, disposition, obligation or discharge in any of the said instruments or documents after the formation thereof, or by any addition to alteration of any cause, declaration or fact which such instruments or documents were intended to contain or prove;

3) With having on the same date, times, place and circumstances knowingly made use of any false acts, writings, instruments or documents;

4) For having committed a crime within the operative period of a Probation Order which was given on the 5th July 2009 which sentence is definitive and cannot be altered.

Considers:

After having seen the Articles 183, 184 and 308 of Chapter 9 of the Laws of Malta;

After having heard the evidence and the documents exhibited;

After having seen the accused admit the charges brought against him, which admission was confirmed by him after

having been given due time to reconsider in accordance with the law;

This case relates to the use by the accused of a stolen credit card. In his statement, the accused says that the card was given to him by a friend of his, something that this Court finds very hard to believe, given that at least six unauthorised transactions were made with the same card. This crime was also committed when the accused was already under a probation order given to him by the Magistrates' Court, and this in itself makes the offence all the more serious in the eyes of the law. The Court, however, is informed that the accused has a problem relating to alcohol abuse, and that it would therefore be more beneficial if he is given assistance to help curb this problem, rather than condemn him to an effective prison sentence, in the hope that he makes good use of this last opportunity to rectify his misdeeds. In the light of these submissions made to it, the Court will grant the accused one final opportunity to benefit from strict surveillance and treatment for his habit.

Now, therefore, the Court;

After having heard the accused's plea and after having given the time prescribed by Law for the accused to consider his plea, this Court finds the said accused guilty as charged and orders him to be put under Probation for a period of three (3) years in accordance with Article 7 of Chapter 446 of the Law of Malta, under the conditions outlined therein. The Court also imposes on him a Treatment Order for a period of three (3) years, in terms of Article 412D of Chapter 9 of the Laws of Malta. The Court furthermore orders payment of two hundred, forty- six Euros and sixty- five Euro cents (€246.65) to Irina Lyakhteynen.

Informal Copy of Judgement

The Court explained in clear words the terms of the judgement to the accused.

< Final Judgement >

-----END-----