



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

**MAGISTRATE
ANTONIO GIOVANNI VELLA**

Sitting of the 18 th May, 2011

Number. 626/2011

**POLICE
INSPECTOR KEITH ARNAUD
INSPECTOR JESMOND MICALLEF**

VS

PERRY THOMAS BILSBORROW

The Court;

After seeing the charges brought against:

Perry Thomas Bilsborrow of 53 years, son of Ronald and Jeanette nee' Royer, born in Edmonton, Canada on the 15th January 1958, residing at Dorvic Flats, Flat 5, St Vincent Street, Sliema and holder of Canadian passport number BV204564;

For having;

1) On the 16th May 2011, and in the previous days, in Sliema and other places in the Maltese Islands, conspired with one or more persons in Malta or outside Malta for the purpose of committing any crime in Malta liable to the punishment of imprisonment;

2) Also on the 16th May 2011, at about 9.20am, with intent to commit a crime of theft together with another person from a jewellery shop styled Classic Jewellery, located in the Strand corner with St Vincent Street, Sliema, manifested such intent by overt acts which were followed by a commencement of the execution of the crime, which crime was not completed in consequence of some accidental cause independent of the will of the accused, and if this theft was completed, it would have been theft aggravated by violence, means and value which value of the things stolen exceeds €2,329.37;

3) Also on the same day, time, place and circumstance, carried outside any premises or appurtenance thereof, a knife or cutting or pointed instrument of any description without a licence or permit from the Commissioner;

4) Also on the 16th May 2011 at about 4.20am, in St Vincent Street, Sliema wilfully spoiled, damaged or injured to or upon any movable or immovable property belonging to the owner/s of the Classic Jewellery and/or other persons, that is damaged on the premises styled as Classic Jewellery located in The Strand corner with St Vincent Street, Sliema which amount of the damage exceeds €1,164.69 and this to the detriment of the proprietors of the Classic Jewellery and or/ other persons;

Considers:

After having heard the evidence and the documents exhibited;

After having seen Articles 48A, 41 (1) (A), 261 (a) (b) (c), 262 (1) (a) (b), 263 (b), 267, 6, 51 (7) and 325 (1) (a) of Chapter 9 of the Laws of Malta;

Considers further:

The facts of this case are, in a nutshell, very alarming, not for the facts directly related to the case itself, but for the facts of the other case this one is intrinsically tied to. This case concerning the attempted robbery is, in itself, simple and straight forward. The accused had agreed, together with another individual, to effect an armed robbery from the shop Classic Jewellers in Sliema on the day in question. For some reason beyond their control, this robbery never took place, but both the accused and his friend had gone on site armed and ready to rob the shop. It was only by chance that the robbery failed to even be put in motion. They were both in possession of gloves and stocking masks and weapons, together with other items they would have needed to carry out their crime. Luckily, this never happened, and the accused was apprehended by the Police some time soon after the attempt failed, thus depriving him and his friend of any second thoughts to try again.

What the Court is highly alarmed about is this second individual, who was arraigned separately in court and charged with other more serious crimes. The statement given by the accused in these proceedings make very interesting reading indeed, and explain in detail how this other individual, the accused's friend, took possession of four firearms and made plans to carry out a number of armed robberies, in order to satisfy his severe drug habit. In the same statement given to the Police, apart from giving a number of revealing details concerning this other individual, the accused also binds himself to testify against this said individual and to provide more information as necessary. The Court is seriously concerned with the content of that statement, and is making it amply clear to the Police that the other person

arraigned on similar but more serious charges has to be investigated thoroughly.

With regard to this present charge, that of attempted theft, and having had regard to the accused's willingness to testify against the other individual and to his promise to assist the Police in their further investigations, the Court is prepared to consider applying a suspended sentence in this case. What the Court is concerned about is that the accused has made friends with people who are habitual offenders. Therefore, while he may still be considered a first time offender, and while the charge itself relates to an attempted theft, the background to the case has the Court's alarm bells ringing. It is for this reason that the suspended sentence will be accompanied by a supervision order in terms of Article 28G of Chapter 9 of the laws of Malta. In this way, the accused will have both an effective deterrent not to commit other crimes, as well as be provided with strict surveillance and supervision in his daily life, in order to limit his contact with other more seasoned criminals. By means of these measures it is sincerely hoped that the accused may realise the severity of the consequences his thoughtless actions could have led to, and that he may continue helping the Police with their investigations against third parties.

Now, therefore, for these reasons;

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 condemns him to a term of two (2) years imprisonment suspended for four (4) years, in accordance with the provisions of Article 28A Chapter 9 of the Law of Malta.

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

Informal Copy of Judgement

< Final Judgement >

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