



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

**MAGISTRATE DR.  
NEVILLE CAMILLERI**

Sitting of the 23<sup>rd</sup> July, 2011

Number. 854/2011

**The Police  
(Insp. Elton Taliana)**

**vs.**

**Kevin Joel Fabien Poncet**

**The Court,**

After having seen the charge brought against Fabien Poncet, sixteen (16) years, French National s/o Joel Poncet and Laura nee Fratoni, born in Vienne, France on the 20<sup>th</sup> May 1995, residing at Rm 231 Soreda Hotel, Qawra and holder of Identity Card number 070838300194 being charged with having on the 22<sup>nd</sup> July at 22.50 hrs in Dawret il-Gzejjer, San Pawl:

1. Committed theft of a handbag to the detriment of Rosaria and Jodie Zerafa when such theft does not

exceed the amount of two hundred and thirty-two euros and ninety-four cents (Euro232.94)

After having examined all documents forming part of the proceedings;

After having heard the accused plead guilty to the charge brought against him notwithstanding the fact that the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him in the most solemn manner of the legal consequences of his guilty plea after having given him sufficient time within which to reconsider and withdraw his guilty plea.

Having heard the admission of the accused to the charge brought against him, the Court necessarily finds him guilty of the charge brought against him.

With regards to the punishment the Court heard submissions by the Prosecuting Officer and Defense Counsel. The Court also took into consideration that the accused fully co-operated with the Police and that he submitted an early guilty plea.

Therefore whilst having seen and considered Section 284 and 285 of Chapter 9 of the Laws of Malta, the Court finds the accused guilty of the charge brought against him and condemns him to six (6) months imprisonment however, since the Court is of the opinion that there are sufficient reasons which warrant that the said term of imprisonment be suspended, in terms of Section 28A of Chapter 9 of the Laws of Malta, suspends the said term of six (6) months imprisonment for a period of one (1) year from date of this judgment;

In terms of Section 28A(4) of Chapter 9 of the Laws of Malta the Court has explained to the accused, through the Court interpreter, in plain language his liability under Section 28B of Chapter 9 of the Laws of Malta if during

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the operational period he commits an offence punishable with imprisonment.

Since the prosecution did not have the consent of the attorney general for this case to be tried summarily, the Court orders that these acts be transmitted to the attorney general in terms of law.

**DR. NEVILLE CAMILLERI B.A., LL.D., MA.(Fin.Serv.)  
Magistrate**

**< Final Judgement >**

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