



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

**MAGISTRATE DR.
AUDREY DEMICOLI**

Sitting of the 28 th October, 2011

Number. 1192/2011

**The Police
(Inspector Keith Arnaud)
(Inspector Gabriel Micallef)**

vs

Mark Anthony George Bennett

The Court;

Having seen the charge brought against Mark Anthony George Bennett of 21 years, son of John and Linda Clarke nee' Moore, born in Enfield, United Kingdom on the 16th of August, 1990, residing in Da Vinci Court, Flat 3, Tower Gate Street, Msida and holder of identity card number 28837A was arraigned before it and charged with having:

During the months of July 2011 and October 2011, committed several acts, even if at different times, which constitutes violations of the same provision of the law and which acts were committed in pursuance of the same design;

1. On the 02nd August 2011, during the afternoon, from room number 7705 of The Bugibba Hotel also known as the Bugibba Holiday Complex located in Triq it-Turisti, St Paul's Bay, committed theft of cash, which offence of theft is aggravated by means to the detriment of Ioannis Chronopoulos from Greece and/or other person/s;

2. On the 05th August 2011, during the afternoon, from room number 524 of the Canifor Hotel located in Triq in-Nakkri, St Paul's Bay, committed theft of cash, which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of Stephen John Walmsley and Francesca Gemma Walmsley from the United Kingdom and/or other person/s;

3. On the 08th August 2011, during the afternoon, from room number 523 of the Canifor Hotel located in Triq in-Nakkri, St Paul's Bay, committed theft of cash, which offence of theft is aggravated by means, to the detriment of Heidi Louise Ruck from the United Kingdom and/or other person/s;

4. On the 09th August 2011, during the afternoon, from room number 4403 of The Bugibba Hotel also known as the Bugibba Holiday Complex located in Triq it-Turisti, St Paul's Bay, committed theft of cash, which offence of theft is aggravated by means to the detriment of Morgane Dano from France and/or other person/s;

5. On the 11th August 2011, during the afternoon, from room number 524 of the Canifor Hotel located in Triq in-Nakkri, St Paul's Bay, committed theft of cash, which

offence of theft is aggravated by means, to the detriment of Benedikt Nocker from Germany and/or other person/s;

6. On the 13th August 2011, during the afternoon, from room number 305 of the Canifor Hotel located in Triq in-Nakkri, St Paul's Bay, committed theft of cash, which offence of theft is aggravated by means, to the detriment of Stefan Sommer Mikkelsen from Denmark and/or other person/s;

7. On the 20th August 2011, during the day, from room number 166 of the Qawra Inn also known as the Palm Court Hotel, located in Triq it-Tamar, St Paul's Bay, committed theft of cash which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of Elena Selivanova from Russia and/or other person/s;

8. On the 21st August 2011, during the afternoon, from room number 513 of the Canifor Hotel located in Triq in-Nakkri, St Paul's Bay, committed theft of cash, which offence of theft is aggravated by means, to the detriment of Birte Jodehl from Germany and/or other person/s;

9. On the 24th August 2011, during the day, from room number 244 of the Qawra Inn also known as the Palm Court Hotel, located in Triq it-Tamar, St Paul's Bay, committed theft of cash which offence of theft is aggravated by means, to the detriment of Paul Rush from the United Kingdom and/or other person/s;

10. Between the 25th and 28th August 2011, sometime during the day, from room number 205 of the Qawra Inn also known as the Palm Court Hotel, located in Triq it-Tamar, St Paul's Bay, committed theft of cash which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and

thirty-seven cents (€2,329.37), to the detriment of Liudmila Afonina from Russia and/or other person/s;

11. On the 29th August 2011, during the day, from room number 301 of the Qawra Inn also known as the Palm Court Hotel, located in Triq it-Tamar, St Paul's Bay, committed theft of cash which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of Lina Anna Theres Kermfors from Sweden and/or other person/s;

12. On the 29th August 2011, during the day, from room number 518 of the Qawra Inn also known as the Palm Court Hotel, located in Triq it-Tamar, St Paul's Bay, committed theft of cash which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of Mohammed Arshad Jan from Pakistan and/or other person/s;

13. Between the 29th and 31st August 2011, during the day, from room number 516 of the Qawra Inn also known as the Palm Court Hotel, located in Triq it-Tamar, St Paul's Bay, committed theft of cash which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of Daniel Elia from Sweden and/or other person/s;

14. Between the 01st and 05th September 2011, during the day, from room number 424 of the Qawra Inn also known as the Palm Court Hotel, located in Triq it-Tamar, St Paul's Bay, committed theft of cash which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro

and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of Michael Jacombe from the United Kingdom and/or other person/s;

15. On the 02nd September 2011, during the afternoon, from room number 503 of the Qawra Inn also known as the Palm Court Hotel, located in Triq it-Tamar, St Paul's Bay, committed theft of cash which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of Denise Marie Page from the United Kingdom and/or other person/s;

16. Between the 02nd and 03rd September 2011, during the day, from room number 220 of the Canifor Hotel located in Triq in-Nakkri, St Paul's Bay, committed theft of cash, which offence of theft is aggravated by means, to the detriment of Gillian Matilda Smith from Ireland and/or other person/s;

17. Between the 04th and 05th September 2011, during the day, from room number 401 of The Bugibba Hotel also known as the Bugibba Holiday Complex located in Triq it-Turisti, St Paul's Bay, committed theft of cash, which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of Laura Hope Tamina Gratkowski and Juliane Hozhauer from Germany and/or other person/s;

18. On the 08th September 2011, during the afternoon, from room number 115 of the Canifor Hotel located in Triq in-Nakkri, St Paul's Bay, committed theft of cash, which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and

thirty-seven cents (€2,329.37), to the detriment of Mary Ann Mc Crae from the United Kingdom and/or other person/s;

19. On the 09th September 2011, during the afternoon, from room number 6604 of The Bugibba Hotel also known as the Bugibba Holiday Complex located in Triq it-Turisti, St Paul's Bay, committed theft of cash, which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of Alla Peyzova from Ukraine and/or other person/s;

20. Between the 12th and 13th September 2011, during the day, from room number 515 of the Qawra Inn also known as the Palm Court Hotel, located in Triq it-Tamar, St Paul's Bay, committed theft of cash which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of Terence Gorden Howard from the United Kingdom and/or other person/s;

21. On the 16th September 2011, during the afternoon, from room number 3068 of the San Pawl Hotel, located in Triq il-Kahli, St Paul's Bay, committed theft of cash which offence of theft is aggravated by means, to the detriment of Margherita Ellul from Zejtun and/or other person/s;

22. Between the 16th and 17th September 2011, during the day, from room number 510 of the Hotel Porto Azzurro Resort, located in Triq ir-Ridott, Xemxija Bay, St Paul's Bay, committed theft of cash which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of Luigi Galetti from Italy and/or other person/s;

23. Between the 21st and 22nd September 2011, during the day, from room number 228 of the Qawra Inn also known as the Palm Court Hotel, located in Triq it-Tamar, St Paul's Bay, committed theft of cash which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of Ildiko Nemeth, Simon Attila from Hungary and/or other person/s;

24. On the 22nd September 2011, during the afternoon, from room number 568 of the Qawra Inn also known as the Palm Court Hotel, located in Triq it-Tamar, St Paul's Bay, committed theft of cash which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of Sandra Ann Roche from the United Kingdom and/or other person/s;

25. On the 22nd September 2011, during the day, from room number 507 of the Hotel Porto Azzurro Resort, located in Triq ir-Ridott, Xemxija Bay, St Paul's Bay, committed theft of cash which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of Diane Joyce Willoughby and Kenneth Gerald Willoughby from the United Kingdom and/or other person/s;

26. Between the 26th and 27th September 2011, during the day, from room number 321 of the San Pawl Hotel, located in Triq il-Kahli, St Paul's Bay, committed theft of cash which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to

the detriment of James Gary Morton from the United Kingdom and/or other person/s;

27. On the 28th September 2011, during the day, from room number 228 of the Canifor Hotel located in Triq in-Nakkri, St Paul's Bay, committed theft of cash, which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of Archibald Neill from the United Kingdom and/or other person/s;

28. On the 28th September 2011, during the afternoon, from room number 434 of The Bugibba Hotel also known as the Bugibba Holiday Complex located in Triq it-Turisti, St Paul's Bay, committed theft of cash, which offence of theft is aggravated by means, to the detriment of Kristin Jessica Hannawald from Germany and/or other person/s;

29. Between the 28th and 29th September 2011, during the day, from room number 125 of the Canifor Hotel located in Triq in-Nakkri, St Paul's Bay, committed theft of cash, which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of Evan Price from the United Kingdom and/or other person/s;

30. Between the 12th and 13th October 2011, during the day, from room number 618 of the Hotel Porto Azzurro Resort, located in Triq ir-Ridott, Xemxija Bay, St Paul's Bay, committed theft of cash, which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of Frederick Yvon Andre Paolino from France and/or other person/s;

31. On the 13th October 2011, during the day, from room number 539 of The Bugibba Hotel also known as the Bugibba Holiday Complex located in Triq it-Turisti, St Paul's Bay, committed theft of cash which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of Cristina De Mier from Spain and/or other person/s;

32. Between the 07th and 08th October 2011, during the day, from room number 124 of the Canifor Hotel located in Triq in-Nakkri, St Paul's Bay, committed theft of cash, which offence of theft is aggravated by means to the detriment of Margaret Birrell from Scotland and/or other person/s;

33. On the 11th October 2011, during the day, from room number 115 of the Canifor Hotel located in Triq in-Nakkri, St Paul's Bay, committed theft of cash, which offence of theft is aggravated by means to the detriment of June Freda May from the United Kingdom and/or other person/s;

34. Between the 15th and 16th October, in the afternoon, from room number 118 of the Canifor Hotel located in Triq in-Nakkri, St Paul's Bay, committed theft of cash, which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of David Fitzgerald from the United Kingdom and/or other person/s;

35. On the 17th October 2011, in the afternoon, from room number 225 of the Canifor Hotel located in Triq in-Nakkri, St Paul's Bay, committed theft of cash, which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and

three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of Marie Constance Parish from the United Kingdom and/or other person/s;

36. Between the 17th and 18th October 2011, in the afternoon, from room number 127 of the Canifor Hotel located in Triq in-Nakkri, St Paul's Bay, committed theft of cash, which offence of theft is aggravated by means, to the detriment of Patricia Rosanne Pancherz from the United Kingdom and/or other person/s;

37. On the 18th October 2011, in the afternoon, from room number 2219 of The Bugibba Hotel also known as the Bugibba Holiday Complex located in Triq it-Turisti, St Paul's Bay, committed theft of cash, which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of Angela Robertson from the United Kingdom and/or other person/s;

38. On the 20th October 2011, in the afternoon, from room number 7737 of The Bugibba Hotel also known as the Bugibba Holiday Complex located in Triq it-Turisti, St Paul's Bay, committed theft of cash, which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of Ian Campbell Ivinson from the United Kingdom and/or other person/s;

39. On the 22nd October 2011, during the day, from room number 326 of the Canifor Hotel located in Triq in-Nakkri, St Paul's Bay, committed theft of cash, which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of Evelyn Yuliana Renteria Romeo from the United Kingdom and/or other person/s;

40. Between the 21st and 22nd October 2011, in the afternoon, from room number 510 of The Bugibba Hotel also known as the Bugibba Holiday Complex located in Triq it-Turisti, St Paul's Bay, committed theft of cash, which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of Edward Vaughan Lindsay from the United Kingdom and/or other person/s;

41. Between the 23rd and 24th October 2011, in the afternoon, from room number 312 of the Hotel Porto Azzurro Resort, located in Triq ir-Ridott, Xemxija Bay, St Paul's Bay, committed theft of cash, which offence of theft is aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of Britt Marie Christina Olsson from Norway and/or other person/s;

42. On the 25th October 2011, at 14:15hrs from room number 308 of the Hotel Porto Azzurro Resort, located in Triq ir-Ridott, Xemxija Bay, St Paul's Bay, with the intent to commit a crime, manifested such intent by overt acts which are followed by a commencement of the execution of the crime, that is attempted to commit an aggravated theft from such hotel room, which crime was not completed in consequence of some accidental cause independent of the will of the offender, and if the theft was completed, it would have been aggravated by means and amount, which value of the thing stolen exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), to the detriment of Ronald Andrew Shankland from the United Kingdom and/or other person/s;

43. Also between the period of August 2011 and October 2011, in Malta, knowingly received or purchased any property which has been stolen, which value exceeds two hundred and thirty-two euro and ninety-four cents (€232.94) but not two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), misapplied or obtained by means of any offence, whether committed in Malta or abroad, or shall knowingly took part, in any manner whatsoever, in the sale or disposal of the same;

44. Also for rendering himself recidivist, after being sentenced by a judgment which has become absolute.

Having heard the accused plead guilty to all the charges brought against him, notwithstanding the fact that the Court warned him of the consequences of his guilty plea and after having afforded him sufficient time within which to withdraw his guilty plea having heard him re-iterate his guilty plea.

Having heard the accused plead guilty to the charges brought against him the Court has no alternative but to find the accused guilty of all the said charges.

With regards to punishment the Court took into consideration the fact that the accused pleaded guilty at such an early stage of the proceedings and that he fully co-operated with the Police in the course of their investigations. The Court however also took into consideration the fact that the accused does not have a clean criminal record and that he has in fact already been found guilty of theft by these Courts whereby he was given the opportunity to reform himself by being given an alternative punishment to imprisonment. The Court also took into consideration the plurality of charges of which the accused is being found guilty and deems that imprisonment is the most adequate punishment in the circumstances. Due to the early guilty plea and his co-operation with the Police, the Court is imposing a term of imprisonment which is closer to the minimum set down by

Informal Copy of Judgement

law for the crimes for which the accused is being found guilty.

After having seen Sections 17, 31, 41(1)(a), 261(b) (c), 263(a), 267, 278, 279, 289, 334, 49 and 50 of Chapter 9 of the Laws of Malta the Court finds the accused guilty of all the charges brought against him and condemns him to four (4) years imprisonment.

In terms of Sections 392 A (2) and 401 (3) of Chapter. 9 of the Laws of Malta, the Court orders that a copy of this judgement together with the acts of these proceedings are sent to the Attorney General within the time limit prescribed by Law.

< Final Judgement >

-----END-----