



**QORTI TAL-MAGISTRATI (MALTA)
BHALA QORTI TA' GUDIKATURA KRIMINALI**

**MAGISTRAT DR.
NEVILLE CAMILLERI**

Seduta tat-30 ta' Mejju, 2012

Numru 571/2012

**The Police
(Inspector Gabriel Micallef)**

vs.

Jurijs Lukjanovs

The Court,

After having seen the charges brought against Jurijs Lukjanovs, 28 years old, born in Latvia on the 14th of February 1984, residing in room 469 of the Suncrest Hotel in Qawra Road, St. Paul's Bay, and holder of Latvian passport bearing number LV3288434, being charged with having;

1. On the 29th of May 2012 from the Suncrest Hotel committed theft of food and beverages aggravated by

person to the detriment of AX Holdings Limited and/or other person/s;

2. Committed aggravated theft of cards by person from the Suncrest Souvenir Shop situated inside the Suncrest Hotel to the detriment of Joseph Agius and/or other person/s;

3. On the same date at about 19:00hrs threatened PS 830 C. Debono or caused a bodily harm to any person lawfully charged with a public duty, while in the act of discharging his duty or because of his having discharged such duty, or with the intent to intimidate or unduly influence him in the discharge of such duty;

4. and also for having in his possession a proper arm (knife) without the licence of the Commissioner of Police;

5. and for having in such circumstances disturbed the public good order or the public peace.

Having examined all documents forming part of the proceedings;

Having seen that the Prosecuting Officer withdrew the fourth (4th) charge brought against the accused.

Having heard the accused plead guilty to other charges, i.e. to the first (1st), second (2nd), third (3rd) and fifth (5th.) charges, 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.

Considers

As a consequence of the admission of the accused of the first (1st), second (2nd), third (3rd) and fifth (5th.) charges

brought against him, the Court finds the accused guilty of all the said charges.

With regards to the punishment to be inflicted, the Court will be taking into consideration various factors, including the nature of the charges brought against the accused, the clean conviction of the accused, his guilty plea at an early stage of these proceedings, the fact that all the cards referred to in the second charge have been returned by the accused, that the accused was in a state of intoxication when he committed the charges brought against him, that he apologised for his actions.

Therefore, the Court, whilst refraining from taking any further cognizance of the fourth (4th.) charge brought against the accused, since this was withdrawn by the Prosecution, after having seen and considered Sections 95, 261(d), 268(c), 338(dd) of Chapter 9 of the Laws of Malta, finds the accused guilty of the first (1st), second (2nd), third (3rd) and fifth (5th.) charges brought against the accused, and in terms of Section 22 of Chapter 446 of the Laws of Malta the Court is conditionally discharging the accused subject to the condition that he does not commit another offence within a period of three (3) years from date of this judgement and orders that within twenty-four (24) hours the accused pays the sum of one hundred and sixteen Euros and eighty cents (€ 116.60) to AX Holdings Limited and the sum of fifty five Euros (€ 55.00) to Joseph Agius.

In terms of Section 22(3) of Chapter 446 of the Laws of Malta the Court explained to the accused in ordinary language that if he commits another offence during the said period of three (3) years from date of this judgement, he will be liable to be sentenced for the original offence.

The Court orders that in terms of Section 392A of Chapter 9 of the Laws of Malta the records of this case and a copy of this judgement be transmitted to the Attorney General within the time period stipulated by Law.

Kopja Informali ta' Sentenza

< Sentenza Finali >

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