



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

**MAGISTRATE DR.
MARSEANN FARRUGIA**

Sitting of the 22 nd July, 2013

Number. 685/2013

**The Police
(Inspector Jesmond Micallef)**

vs.

Sylvester Emmanuel Sam

The Court,

Having seen the charges brought against Sylvester Emmanuel Sam of 43 years, son of Joseph and Mary nee Yankyera, born in Ghana on the 1st April 1970, residing at Fingest House, Block B, Flat 5, Mons. Innocenz Zammit Street, Msida and bearer of Maltese Identity Card numbered 047482 A.

Charged:

1. On the 21st of July 2013, during the night at about 03:30 hrs, on these Islands, whilst at Tower Road, Msida, wilfully committed any spoil, damage or injury to or upon any movable or immovable property, that is damages on vehicle type Hyundai I 10 bearing registration number AQZ 703, which mentioned damages does not exceed one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) but exceeds one hundred and sixteen euro and forty-seven cents (116.47), to the detriment of Bernard Deguara and/or other persons;

2. And also with having on the same date and time, on these Islands, whilst at Judge Dr. Paolo Debono Street, Msida, wilfully committed any spoil, damage or injury to or upon any movable or immovable property, that is damages on motor cycle type Kymco Agility City 125 bearing registration number CBZ 394, which mentioned damages does not exceed one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) but exceeds one hundred and sixteen euro and forty-seven cents (116.47), to the detriment of Terri Dimech and/or other persons;

3. And also with having on the same date and time, on these Islands, whilst at Judge Dr. Paolo Debono Street, Msida, wilfully committed any spoil, damage or injury to or upon any movable or immovable property, that is damages on the front door of premises styled as PC Serv, which mentioned damages does not exceed one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) but exceeds one hundred and sixteen euro and forty-seven cents (116.47), to the detriment of Victor Chircop and/or other persons;

4. And also with having on the same date and time, on these Islands, whilst at Mons. Carmelo Zammit, Msida, wilfully committed any spoil, damage or injury to or upon any movable or immovable property, that is damages on vehicle type Mazda 323 bearing registration number EAB 894, which mentioned damages does not exceed one thousand and one hundred and sixty-four euro and sixty-

nine cents (1,164.69) but exceeds one hundred and sixteen euro and forty-seven cents (116.47), to the detriment of Osman Abdirabo Jelani and/or other persons;

5. And finally with having on the same date, time, places and circumstances, at night time, disturbed the repose of the inhabitants by rowdiness or bawling, or in any other manner;

After having heard the evidence and seen all the records of the case, including the consent of the Attorney General for the case to be dealt with summarily, and having heard the accused declare that he has no objection that the case be dealt with summarily.

After having heard the accused plead guilty to the charges at an early stage of the proceedings, which guilty plea was confirmed by the same accused even after the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him of the legal consequences of that guilty plea, in particular that it was liable to a maximum punishment of two (2) years and six (6) months imprisonment, and allowed him sufficient time to re-consider his reply, and to change it;

After having heard the oral submissions on the punishment;

Considered that:

From the evidence brought forward and from the guilty plea filed by the accused himself, the Court concludes that the accused is guilty of the charges laid against him.

As regards the punishment, the Court took into consideration the fact that the accused admitted to the charges at a very early stage of the proceedings, that he co-operated with the Police, that he has been living in Malta since 2007 and has a clean criminal record, and that he is willing to refund to the victims the damages which he caused. However, the prosecution did not present in court any estimate of the damages caused.

The Court also took into consideration that the fifth charge is included in the previous four charges in terms of Article 17(h) of the Criminal Code.

The Court, after seeing Articles 325(1)(b) and 338(m) of Chapter 9 of the Laws of Malta, finds the accused guilty

as charged, and condemns him to fifteen (15) months imprisonment, but in the light of the considerations above-mentioned, this term of imprisonment is being suspended for a period of three (3) years from to-day, in terms of Section 28A(1) of Chapter 9.

In terms of Section 28H(1) of Chapter 9 of the Laws of Malta, the Court is also ordering the offender to pay the injured parties the amount of five hundred and ninety Euro (€590.00), within the period six (6) months from to-day. This amount, which has been liquidated by the Court *arbitrio boni viri*, is to be paid as follows:

1. the sum of two hundred Euro (€200.00) to the injured party of the first charge;
2. the sum of one hundred and twenty (€120.00) Euro to the injured party of the second charge;
3. the sum of one hundred and twenty (€120.00) Euro to the injured party of the third charge;
4. the sum of one hundred and fifty Euro (€150.00) to the injured party of the fourth charge.

In accordance with Sections 28A(4) and 28H(7) of Chapter 9 of the Laws of Malta, the Court explained in clear and simple language the meaning of this judgement to the offender, and the consequences which would follow if he fails to abide by it, that is if he commits another offence which is punishable by imprisonment within the operative period, and/or if he fails to pay the injured parties the amount prescribed above within the time limit stipulated above.

< Final Judgement >

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