



MALTA

**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR.
CHARMAINE GALEA**

Sitting of the 7th April, 2014

Number. 354/2014

**The Police
(Inspector Robert Vella)**

vs.

Mahamadou Fofana

The Court;

Having seen that **Mahamadou Fofana** of 18 years, born in Mali on the 1st of January, 1996 and residing at Dar is-Sliem, St. Joseph High Street, Santa Venera or Hal-Far Open Centre, Hal-Far, limits of Birzebbugia, and holder of Identity Card number 67671 (A) was charged that:

1. On the 7th of April, 2014, at about 02.30hrs, in the locality Marsa, together with an unknown person, with the intent to commit theft from a vehicle of make Mercedes and bearing registration number DBR-987, which was parked inside property number 12, situated in Racecourse, Marsa, to the detriment of Anthony Agius and/or other person or persons, manifested such intent by overt acts which were followed by a commencement of the execution of a such crime, which crime was not completed in the consequence of some accidental cause independent of his will and if such theft was completed, it would have been qualified by means and time, and this in breach of Articles 41, 261(b)(f), 263 u 270 of the Chapter 9 of the Laws of Malta;

2. on the same date, time, place and circumstances committed violation of another person's property and this in breach of Article 340(d) of the Chapter 9 of the Laws of Malta;

3. in the locality of Marsa during the night between the 06th and 7th of April, 2014 together with an unknown person committed theft of a heater from inside vehicle of make Kia Pride bearing registration number AAC-898 to the detriment of Elizabeth Lotus Webber and/or other person or persons which theft is qualified by means, time and the nature of the thing stolen, and this in breach of Articles 261(b)(f)(g), 263, 270 u 271(g) of the Chapter 9 of the Laws of Malta;

4. on the same date, time, place and circumstances, willfully committed spoil, damage or injury to or upon any movable or immovable property that is damages to vehicle of make Kia Pride and bearing registration number AAC-898 to the detriment of Elizabeth Lotus Webber and/or other person or persons, which amount of damage exceeds one hundred and sixteen Euros and fort-seven cents (€116.47), but not more than one thousand, one hundred and sixty-four Euros and sixty-nine cents (€1,164.69), and this in breach of Article 325(b) of the Chapter 9 of the Laws of Malta;

5. and finally I also charge him with having during the mentioned period of time and circumstances in these Islands knowingly received or purchased any property which has been stolen, misapplied or obtained by means of any offence, whether committed in Malta or abroad, or knowingly took part, in any manner whatsoever, in the sale or disposal of the same, and this in breach of Article 334 of the Laws of Malta;

Having seen the consent of the Attorney General in terms of section 370 (4) dated 7th April 2014;

Having seen all the documents exhibited in the acts of these proceedings;

Having heard the offender plead guilty to the charges brought against him during today's arraignment and his insistence on such guilty plea after being given time according to law to reconsider;

Informal Copy of Judgement

Having heard prosecuting officer on oath;

Having seen the minutes of today's hearing;

Having heard submissions by the prosecution and the defence;

Considered that:

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

As regards the punishment, the Court took into consideration the fact that the offender admitted to the charges at a very early stage of the proceedings, that he co-operated with the police, that the offender has a clean conviction sheet and that he has had some problems after he could no longer reside in Dar Is-Sliem as he has attained majority.

The Court is of the opinion that the offender should benefit from an opportunity to be helped address his problems by means of a probation order. However the Court made it clear to the offender that he has to strictly adhere to the conditions which will be imposed upon him and is to follow the probation officer's instructions in order not to end up facing a custodial sentence.

For these reasons the Court after having seen sections 41, 261 (b) (f) (g), 263, 270, 271 (g), 325 (b), 334 and 340 (d) of Chapter 9 of the Laws of Malta, on his admission finds offender guilty of the charges brought against him and by application of Article 7 of Chapter 446 of the Laws of Malta is putting the offender under a **Probation Order for a period of twenty four (24) months from today**, with the conditions in the same Probation Order herewith attached and which forms an integral part of this judgement.

Informal Copy of Judgement

The Court, in terms of article 7 (7) of Chapter 446 of the Laws of Malta, has warned the offender about the legal consequences if he commits another crime within the prescribed operative period of the Probation Order and/or if he fails to abide by one of the orders stipulated in the Probation Order, and the offender confirmed his will that he will abide by this Probation Order.

The Court orders that a copy of the Probation order be given to the probationer and another copy be sent to the Director Probation Services and Parole so that he assigns a probation officer to be responsible for the supervision of the probationer.

< Final Judgement >

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