



MALTA

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

**MAGISTRATE
DR. CHARMAINE GALEA**

Today the 13th October 2015

Case number 478/2015

**The Police
(Inspector Trevor Micallef)**

Vs

**Emil Sebastian Engstrom Launoila
(Finnish Passport 17127657)**

The Court;

Having seen that the offender **Emil Sebastian Engstrom Launoila** was charged with having in these islands on the 08th June 2015 between 1600hrs and 1700hrs from inside Sun & Fun Hotel, Ball Street, St. Julian's and/or in the vicinity:

1. Committed theft of a bag costing Euro 80 which contained an I Pad costing Euro 875.01 to the detriment of Geilani Ahmed El-Gamei which theft is aggravated by 'means', 'amount' and 'place'.

2. Also accused with having in Malta knowingly received or purchased any property which had been stolen, misapplied or obtained by means of any offence.
3. Also accused with having rendered himself a recidivist as per article 49, 50 and 289 of Chap 9 of the laws of Malta, by judgments which have become absolute by foreign Courts.
4. Also accused with being in breach of a Probation Order handed over by Magistrate Dr. D. Clarke on the 19th March 2015.

Having seen the consent of the Attorney General for this case to be tried summarily (Dok TM6 a fol. 17);

Having heard the witnesses;

Having heard the offender plead guilty to the charges proffered against him; which plea was reconfirmed after the Court gave him sufficient time to reconsider it;

Having heard the oral submissions about the punishment;

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 and that he is currently being followed by a Probation Officer;

The Court also took into consideration that the second charge, namely that of receiving stolen property (Art. 334 of the Criminal Code) was proffered against the offender as an alternative to the first charge and hence the Court is not going to take cognizance of the same;

The Court observes that the offender has already been placed under a Probation Order on the 19th March 2015 whereby he was found guilty of causing grievously bodily harm. However since this judgement did not relate to offences relating to theft the Court is not going to apply section 289 of the Criminal Code in his regards;

Hence the Court, after seeing articles 49, 50, 261, 263, 267, 269, 270 and 278 of the Criminal Code, finds the offender **Emil Sebastian Engstrom Launoila** guilty of the first, third and fourth charge laid against him and condemns him to **ten (10) months imprisonment** from which there has to be deducted the period for which he was under preventive arrest. With regards to the breach of the Probation Order handed by Magistrate Dr. Doreen Clarke on the 19th March 2015, after seeing section 21 (2) of Chapter 446 of the Laws of Malta, the Court orders that the mentioned probation order to remain effective for its remaining period and condemns the offender to a **fine (ammenda) of one hundred euro (€100)** which the offender is to pay in monthly instalments of ten euro (€10) from the first month after when he serves his prison sentence.

For reasons explained to the Court by the offender, the Court is hereby strongly recommending to the Director of the Prison to place Emil Sebastian Engstrom Launoila in the Forensic Unit of Mount Carmel Hospital to serve his sentence.

**Dr. Charmaine Galea
Magistrate**

**Diane Gatt
Deputy Registrar**