

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

MAGISTRATE: Dr Joanne Vella Cuschieri B.A., Mag. Jur. (Eur. Law.), LL.D.

Today 1st December, 2015

**The Police
(Inspector Kurt Zahra)
(Inspector Bernard Spiteri)**

vs.

Mandea Gheorghe of Romanian nationality, son of Alexandru and Vasilica nee' Lazar, born at Com.Movileni Jud. Galati on the 05th May 1961, with identity card number DD630757.

The Court,

Having seen the charges brought against Mandea Gheorghe that:

'on the 26th August 2015 at about 0945hrs, from Tresor D`Or (Jewellery) situated in Palm Street, Victoria (Gozo), committed theft of jewellery, which theft is aggravated by violence and value, exceeding two thousand three hundred twenty nine Euros and 37 cents (€2329.37), to the detriment of Paul Farrugia or other persons.

The Court is being kindly requested to treat Mandea Gheorghe as being a recidivist after being sentenced for various offences by foreign criminal courts which sentences has become absolute according to Art 49, 50 and 289 of Cap 9 of the Laws of Malta.

The Court is being kindly requested that when pronouncing judgement or in any subsequent order, sentence the person or persons convicted, jointly or severally, to the payment, wholly or in part, to the registrar, of the costs incurred in connection with the employment in the proceedings of any expert or referee, including such experts as would have been appointed in the examination of the process verbal of the inquiry, within such period and in such amount as shall be determined in the judgement or order.

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

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

Having seen all the acts;

Having heard submissions by the parties;

Considers;

That in view of the accused's guilty plea to the charge brought against him, and since there is no reason emanating from these proceedings why this Court should not accept such pleas, it is the duty of this Court to proceed with judgement and declare the accused guilty as charged.

In the context of punishment or sanction to be meted out to the accused, the Court is taking into consideration the following factors namely (1) that the accused cooperated fully with the police once he was returned to the Maltese Islands (2) that the accused pleaded guilty to the charge at the earliest opportunity in these proceedings (3) the fact that accused did not take up to the full the opportunity given to him by this Court to pay parte-civile and only paid a small fraction of the value of goods stolen, that is the payment of only three thousand Euro (€3,000), (4) the submissions by the parties and (5) the colourful conviction sheet of the accused which clearly shows that accused has not learnt anything from his past mistakes and this is to be reflected in this judgement.

In view of the above, the Court after having seen articles 31, 261 (a) and (b), 262 (1) (b), 267, 279 (b), 49, 50, 289 and 533 of chapter 9 of the Laws of Malta finds the accused guilty of all the charges brought against him and condemns him to fifty months imprisonment and by application of article 533 (1) condemns the accused to pay the amount of one thousand Euro (€1,000) to the registrar representing part of the costs incurred in connection with the inquiry within the period of four years from today.

(sgd.) Dr. Joanne Vella Cuschieri
Magistrate

(sgd.) Maureen Xuereb
D/Registrar

True copy

D/Registrar