



**Court of Magistrates (Malta)  
As a Court of Criminal Judicature**

**Magistrate Dr. Doreen Clarke LL.D.**

**Today, 12th May 2016**

**The Police  
(Inspector Robert Said Sareo)  
vs  
Abiib Adan Hamze**

The Court,

Having seen the charges against Abiib Adan Hamze, holder of ID card number 100680A accused that:

Charged with having:

1. On the 7<sup>th</sup> April 2016, between 9:00 and 10:30 in the evening, in Aldo Moro Street, Marsa, wilfully committed any spoil, damage or injury to upon any movable or immovable property, and therefore wilfully caused damage on a vehicle, make Peugeot bearing registration number JRM-175 which the amount of damage does not exceed two thousand and five hundred euro (€2,500) but exceeds two hundred and fifty euro (€250), to the detriment of Jeremy Agius and/or any other person, as per article 325(1)(b) of Chapter 9 of the Laws of Malta;
2. And also on the same date, time, location and circumstances, wilfully committed any spoil, damage or injury to upon any movable or immovable property, and therefore wilfully caused damage on a vehicle, make Toyota bearing registration number BBZ-513 which the amount of damage does not exceed two thousand and five hundred euro

(€2,500) but exceeds two hundred and fifty euro (€250), to the detriment Francis Galea and/or any other person, as per article 325(1)(b) of Chapter 9 of the Laws of Malta;

3. And also on the same date, time, location and circumstances, attempted to use force against Jeremy Agius, Roberta Caruana and/or any other person, with the intent to insult, annoy or hurt such persons or others, unless the fact constitutes some other offence under any other provision of the Criminal Code, as per article 339(1)(d) of Chapter 9 of the Laws of Malta;
4. And also on the same date, time, place and circumstances, uttered insults or threats not otherwise provided for in the Criminal Code, or being provoked, carried insults beyond the limit warranted by the provocation towards Jeremy Agius, Roberta Caruana and/or any other person, as per article 339 (1) (e) of Chapter 9, of the Laws of Malta;
5. And also on the same date, time, place and circumstances reviled, or threatened, or caused a bodily harm to any person lawfully charged with a public duty, in this case PS1236 Joseph Gatt, PC471 Donald Camilleri, PC1469 Emerson Borg, PC1007 Jean Paul Pizzuto and/or any other person/s, while in the act of discharging their duty or because of having discharged such duty, or with the intent to intimidate or unduly influence them in the discharge of such duty, as per article 95 of Chapter 9 of the Laws of Malta;
6. And also on the same date, time, place and circumstances, disobeyed the lawful orders of any authority or of any person entrusted with a public service, or hindered or obstructed such person in the exercise of his duties, or otherwise unduly interfered with the exercise of such duties, either by preventing other persons from doing what they are lawfully enjoined or allowed to do, or frustrating or undoing what has been lawfully done by other persons, or in any manner whatsoever, as per article 338(ee) of Chapter 9 of the Laws of Malta;
7. And also on the same date, time, place and circumstances, in any manner, wilfully disturbed the public good order or the public peace as per article 338(dd) of the Chapter 9, of the Laws of Malta;

8. And also on the same date, time, place and circumstances, committed a crime during a progressive period of a suspended sentence which was awarded on the 24<sup>th</sup> February 2016 by Mgst. Dr. J. Demicoli LLD after he was found guilty of an offence, which such sentence given by the Maltese Court and is now definitive and cannot be changed, as per article 28B of Chapter 9 of the Laws of Malta;
9. And also on the same date, time, place and circumstances, having rendered himself to be a recidivist, after being sentenced for any offence by a judgment which has become res judicata, as per articles 49 and 50 of Chapter 9 of the Laws of Malta,

The Court is being requested to issue a personal surety for the above mentioned persons as per articles 383, 384 & 385 of Chapter 9 of the Laws of Malta, if accused is found guilty.

The Court is also being requested to issue a protection order as per article 412C of Chapter 9 of the Laws of Malta for the persons mentioned above, throughout the hearing in the case and even together as part of the sentence the court deems fit, if accused is found guilty.

The Court is also being requested to order the accused to pay for any expenses suffered by the Court with regards to any experts which were appointed by the Court for this case, if the accused is found guilty, as per article 533 of Chapter 9 of the Laws of Malta

Having heard the defendant admit the charges brought against him, and confirm his admission of guilt even after the Court gave him time to reconsider his plea.

Having seen the documents exhibited by the prosecuting officer.

Having heard the submissions of the parties regarding the penalty to be meted out.

Having considered

The defendant admitted the charges brought against him; these are consequently sufficiently proven.

Regarding the penalty to be meted out the Court took into consideration on the one hand the nature of the charges of which defendant is being found guilty, his conviction sheet and the fact that these present offences were committed less than two months after he was given a suspended sentence; on the other hand the Court took into consideration defendant's eventual cooperation with the police and his admission at the earliest stage of the proceedings.

Wherefore the Court, after having seen sections 28A, 28B, 49, 50, 95, 325(1)(b), 338(dd)(ee) and 339(1)(d) of Chapter 9 of the Laws of Malta, on his admission finds defendant guilty of the charges brought against him and condemns him to three (3) months imprisonment and a fine of eight hundred Euros (€800) which is to be paid in monthly installments of fifty Euros with the first payment being due on the 15th June 2016. Furthermore the Court by application of sections 28B of the said Chapter 9 is bringing into effect the judgement of the 24<sup>th</sup> February 2016 whereby the defendant was condemned to three (3) months imprisonment. In conclusion the Court is recommending to the Director of the Corradino Correctional Facility that defendant is kept at the forensic ward in Mt Carmel Hospital.

**DR. DOREEN CLARKE**  
**MAGISTRAT**