



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

**Magistrate Dr. Monica Vella LL.D., M.Jur**

**The Police**  
**(Inspector Sergio Pisani)**  
**vs**  
**Nicola Maurizio Gatti**

**Today, 29 June, 2016**

The Court;

Having seen the accusations brought against **Nicola Maurizio Gatti**, son of Evaristo and Emanuela nee' Salotto born in Italy on the 13th April 1963, residing 74, Sant' Antnin, Triq Santa Marija, Naxxar and holder of Maltese document **114075A**;

Charged with:

1. Whilst driving vehicle make Chevrolet Captiva, Registration number CAT 544 you assaulted or resist by violence or active force not amounting to public violence, PC 1276 Frankie Zerafa person lawfully charged with a public duty when in the execution of the law or of a lawful order issued by a competent authority, in contravention of article 96 of Chapter 9 of the laws of Malta.

2. Also, on the same date, time, place and circumstances with the intent to commit a crime, manifested such intent to commit a crime with overt acts which were followed by a commencement of execution of the crime of grievous bodily harm, on the person of PC1276 Frankie Zerafa, in contravention of articles 41 and 216 of Chapter 9 of the laws of Malta.
3. Also on the same date, time place and circumstances you drove a motor vehicle make Chevrolet Captiva, Registration number CAT 544 in a dangerous manner, in contravention of article 15(1a) of Chapter 65 of the laws of Malta.
4. Also on the same date, time place and circumstances you disobeyed the lawful orders of PC 1276 Frankie Zerafa a 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, in contravention of article 338(ee) of Chapter 9 of the laws of Malta.
5. Also on the same date, time place and circumstances you failed to have the driving licence issued by the competent authority of another Member State renewed by the Local Authority within a period not exceeding twelve months in Malta in contravention of Regulation 3(6) and 5 of Subsidiary Legislation 65.18 of the laws of Malta.

The honourable court is kindly asked that in case it finds the accused guilty, it disqualifies or prevents same from acquiring driving licence for a period the court deems appropriate as per article 15(3) Chapter 65 of the laws of Malta.

The honourable court is humbly asked to order the forfeiture of the corpus delicti, in favour of the Government of Malta, in this case vehicle Chevrolet Captiva registration number CAT 544 as a consequence of the punishment for the crime as established by law, even though such forfeiture be not expressly stated in the law as per Article 23 of Chapter 9 of the Laws of Malta.

Having heard the plea of guilt of the accused;

Having given sufficient time to the accused to reconsider his guilty plea;

Having asked the accused whether he still wishes to plead guilty to the said charges;

Having heard the accused reconsider his guilty plea and therefore said guilty plea having been duly registered in the records of the case;

Having seen the records of the case, having seen said guilty plea, deems the charges to be duly proven and therefore finds the accused guilty as charged;

Having seen articles 41, 96, 216, and 338(ee) of Chapter 9 of the laws of Malta, Article 15(1a) of Chapter 65 of the Laws of Malta, Regulation 3(6) and 5 of Subsidiary Legislation 65.18 of the Laws of Malta, and having heard the circumstances that gave rise to this offence through submission of the parties;

Condemns the accused to a term of imprisonment of twelve months from today which term shall not elapse unless the accused commits any other offence punishable with imprisonment within a term of two (2)

years from today in terms of article 28A of Chapter 9 of the laws of Malta and to a fine multa of six thousand Euro (€6000) and in terms of Article 15 (3) of Chapter 65 of the Laws of Malta orders that his driving license be suspended for a period of six (6) months from today.

In consideration of the gravity of the case taking into account the particular circumstances of the commission of the said offences, the court orders the forfeiture of the corpus delicti, in favour of the Government of Malta, in this case vehicle Chevrolet Captiva registration number CAT 544 as a consequence of the punishment for the crime as established by law, even though such forfeiture is not expressly stated in the law as per Article 23 of Chapter 9 of the Laws of Malta.

The Court explained to the accused his obligations arising out of this judgement;

Since the prosecution does not have the consent of the attorney general for this case to be tried summarily, the Court orders that these acts be transmitted to the attorney general within the time prescribed by law.

*(ft) Magistrate Dr. Monica Vella LL.D., M. Jur.*

(ft) Angelo Buttigieg  
Deputy Registrar