



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

Magistrate Dr. Doreen Clarke LL.D.

Today, 22nd August, 2017

**The Police
(Inspector Nikolai Sant)**

vs

Kemal Burak Ozevci

The Court,

Having seen the charges against Kemal Burak Ozevci holder of Turkish Passport no S02301861.

Charged with having on the 22nd August 2017 at around one o'clock in the morning (01:00hrs) in St. George's Road, Paceville, St. Julian's:-

1. Assaulted or resisted by violence or active force not amounting to public violence, any person lawfully charged with a public duty when in the execution of the law or of a lawful order issued by a competent authority. (Art. 96 Chapter 9 of the Laws of Malta);
2. Reviled, or threatened, or caused a bodily harm to any person lawfully charged with a public duty, while in the act of discharging his duty or because of his having discharged such duty, or with intent to

- intimidate or unduly influence him in the discharge of such duty. (Art. 95 Chapter 9 of the Laws of Malta);
3. In any public place or place open to the public, is found drunk and incapable of taking care of himself. (Art. 338 (dd) Chapter 9 of the Laws of Malta);
 4. Consumed alcohol in an area which is not permitted according to L.C.B 52/1/2008 regarding consumption of alcohol in public places and in glass containers. (St. Julian's Local Council).

Having heard defendant admit the charges brought against him.

Having seen the documents presented by the prosecution.

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

Having considered

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

With regards to the penalty to be meted out the Court took into consideration the nature of the offences of which the defendant is being found guilty on the one hand, and on the other hand defendant's cooperation with the police investigating office and his the admission at the earliest stage of the proceedings.

Wherefore the Court, after having seen sections 95, 96 and 338(ff) of Chapter 9 of the Laws of Malta and Bye-Law 52/1/2008, on his admission finds the defendant guilty of the charges brought against him and with regard to the first three charges condemns him to six (6) months imprisonment which by application of section 28A of the said Chapter 9 are being suspended for a period of two (2) years and to a fine of four thousand Euros (€4,000), and with regard to the fourth charge condemns him to a fine (ammenda) of sixty Euros (€60). The fines are to be paid within a year.

The Court explained to the defendant in ordinary language the significance of this judgement and of the consequences should he commit an other offence in the said period of two years.

DR. DOREEN CLARKE
MAGISTRAT