



COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE

MAGISTRATE DR. KEVAN AZZOPARDI B.A. LL.D

Today the 9th August 2024

The Republic of Malta

vs

Adam Khairi Ali Eteer

(holder of Maltese Identity Card with number 525120(L))

The Court:

Having seen that the accused Adam Khairi Ali Eteer, 23 years old, son of Khairi Ali Etter and unknown mother, born in Libja on the fourteenth (14) of July of the year two thousand and one (2001), residing at 15, Eteer Flat 2, Robert Arrigo Street, Sliema and holder of ID card number 525120(L), was arraigned under arrest and charged with having on the twenty first (21) of July of the year two thousand and twenty four (2024) in Med Asia Playa, ix-Xatt ta' Qui-si-sana, Sliema and/or around the Maltese Islands:

1. Without intent to kill or to put the life of Vincenza Alessio Stancanelli, in manifest jeopardy, caused harm to the body or health of Vincenza Alessio Stancanelli, that is, grievous in nature, aggravated due to arms improper, as certified by Dr. 1. Camilleri Med Reg No. 6249;
2. And also, on the same day, place u circumstances, causes Vincenza Alessio Stancanelli to fear that violence will be used against him or his property or against the person or property of

any of his ascendants, descendants, brothers or sisters or any person mentioned in article 222(1);

3. And also, on the same day, place u circumstances, utters insults or threats not otherwise provided for in this Code, or being provoked, insults Vincenza Alessio Stancanelli in a way that carries his insult beyond the limit warranted by the provocation;

4. And also, on the same day, place u circumstances, attempts to use force against Vincenza Alessio Stancanelli with intent to insult, annoy or hurt such person or others, unless the fact constitutes some other offence under any other provision of this Code;

5. And also, on the same day, place u circumstances, in any manner not otherwise provided for in this Code, wilfully disturbs the public good order or the public peace;

6. And also, on the same day, place u circumstances, refused to give, or untruthfully gives to any public officer or any other person entrusted with a public service in the actual exercise of his duties, his name, surname, address and other particulars;

7. And also, on the same day, place u circumstances, disobeys the lawful orders of any authority or of any person entrusted with a public service, or hinders or obstructs such person in the exercise of his duties, or otherwise unduly interferes 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 other manner whatsoever, unless such disobedience or interference falls under any other provision of this Code or of any other law;

The Court was requested to provide security for Vincenza Alessio Stancanelli as the Court sees fit and necessary and under all the conditions that deems appropriate, to issue an order of protection in terms of Article 412C, of Chapter 9 of the Laws of Malta;

This Court was requested in the event of guilt to apply Article 15A of Chapter 9 of the Laws of Malta;

The Court was also requested that in the case of guilt, in addition to the punishment in accordance to the law, to order the accused to pay the costs incurred in terms of Article 532B and/or Article 533 of the Criminal Code, Chapter 9 of the Laws of Malta;

The Court was also requested that in the case of guilt, in addition to the punishment in accordance to the law, to apply Articles 382, 383, 384, and 385 of Chapter 9 of the Laws of Malta;

Having seen that the accused registered a guilty plea soon after the prosecution read and confirmed the charges under oath.

Having seen the acts of the case.

Having heard the defence counsel and the prosecuting officer's final oral submissions in relation to the punishment to be inflicted upon the accused.

Considerations:

This is a case where the accused admitted to the charges brought against him at the very first opportunity.

The Court, took cognisance of the fact that the prosecution agreed that the accused should not be punished with an effective jail term, and this in view of the fact that the accused needs help in dealing with certain anger issues, and having considered the circumstances of the case and of the accused, particularly his age and the fact that according to the prosecuting officer the accused was under the influence of alcohol when he committed the offences with which he had been charged.

In view of the accused's voluntary admission, the Court has no other option but to find the accused guilty of the charges brought against him.

Decision:

For these reasons, the Court, having seen articles 202(e), 214, 215, 216, 222A(7), 251(3), 338(g), 338(dd), 338(ee), and 339(1)(d)(e) of Chapter 9 of the Laws of Malta, upon the admission of the accused Adam Khairi Ali Eteer, holder of ID card number 525120(L), finds the said accused guilty of all the charges brought against him, and since the Court is of the opinion that there exist the necessary circumstances referred to in article 7 of Chapter 446 of the Laws of Malta, orders that the accused be placed under a Probation Order for a period of three (3) years from today, and therefore orders that Adam Khairi Ali Eteer, holder of ID card number 525120(L) be placed under the supervision of a Probation Officer assigned to him by the Director of Probation and Parole Services. This probation order is subject to the conditions listed in the decree given today which decree shall form an integral part of this judgement.

In accordance with Article 7(7) of Chapter 446 of the Laws of Malta, the Court explained to Adam Khairi Ali Eteer in clear terms which he understand, the effects of the Probation Order as well as all the conditions listed in the decree attached to this judgement, and therefore that if he fails to comply with the Probation Order and those conditions listed in the decree and/or in case he commits another crime during the term of the Probation Order, he may be charged and sentenced for the crimes of which he has been found guilty by this judgement, as well as the consequences that may be suffered in case of failure to adhere to the terms of the Probation Order mentioned above.

The Court makes a protection order in terms of Article 412C of Chapter 9 of the Laws of Malta for a period of three (3) years for the protection of Vincenza Alessio Stancanelli in accordance with the conditions mentioned in the decree handed down by this Court contemporaneously with this judgement, and which forms an integral part of it. The Court orders notification of this judgement and the protection order to the Commissioner of Police and the protected person.

The Court further makes a treatment order in terms of Article 412D of Chapter 9 of the Laws of Malta for a period of three (3) years in order for the defendant to be treated in terms of the directions given by the probation officer and according to the decree handed down by this Court contemporaneously with this judgement, and which forms an integral part of it. The assigned Probation Officer shall report in writing to the Court with the offender's progress every six (6) months. The offender declared that he agrees to submit himself to treatment in terms of the said order.

In terms of Article 7(8) of Chapter 446 of the Laws of Malta, the Court orders that a copy of this judgement, the Probation Order, and the Treatment Order be immediately communicated to the Director of Probation and Parole Services for the appointment of a Probation Officer to be responsible for the supervision of Adam Khairi Ali Eteer. The assigned Probation Officer shall report in writing to the Court with the offender's progress every six (6) months.

Kevan Azzopardi B.A. LL.D
Magistrate

Josanne Gauci
Deputy Registrar

< Final Judgement >

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