



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

**MAGISTRATE
DOREEN CLARKE**

Sitting of the 22nd November, 2007

Number 1431/2007

(Inspector Carlo Ellul)
(Inspector Martin Sammut)

-VS-

Svein Epsen Sorstad

Today the 22nd day of November 2007

The Court,

Having seen that the accused Svein Epsen Sorstad, 29 years, son of Ole and Solveig, born on the 17th May, 1978 in Drammen, Norway, residing at room 520, Baystreet Hotel, Saint Julian's, holder of Norwegian Passport Number 01019682.

Was charged with having on these Islands on the night between the 20th and the 21st November, 2007, sometime between 2300hrs and 0100hrs, at St. Julian's:-

1. Assaulted or resisted by violence or active force, PS776 V. Gafa, PC157 B. Mifsud and PC99 M. Portelli, persons lawfully charged with a public duty when in the execution of the law or of a lawful order, issued by a competent authority;
2. Reviled, threatened, or caused bodily harm to PS776 V. Gafa, PC157 B. Mifsud and PC99 M. Portelli, persons charged with a public duty, while in the act of discharging their duties or because of them having discharged such duty, or with intent to intimidate or unduly influence them in the discharge of such duties;
3. Without the intent to kill or to put the life in manifest jeopardy, caused grievous bodily harm on the person of PS776 V. Gafa, that can give rise to danger of any permanent defect in any part of the physical structure of the body;
4. Without the intent to kill or to put the life in manifest jeopardy caused slight bodily harm on the persons of PC157 B. Mifsud and PC99 M. Portelli;
5. Through imprudence, negligence or unskilfulness in his trade or profession, or through non observance of any regulation, caused any damage or spoil or injury to furniture, pertaining to Peninsula Investment Ltd. and/or the Westin Dragonara Resort, which damages exceeded Lm50, but less than Lm500.
6. Attempted to use force against Raymond Saliba, with the intent to insult, annoy or hurt such person, or others;
7. 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 their duties, or

duly 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 other manner whatsoever;

8. Wilfully disturbed the public good order and peace;

9. In any public place open to the public was found drunk and incapable of taking care of himself

Having seen that the Attorney General gave his consent for this case to be tried summarily and that the accused did not object to the case be so tried.

Having heard the accused plead guilty to all charges, this even after the Court warned him of the consequences of his plea and having afforded to him sufficient time within which to withdraw his guilty plea.

Having seen the acts of the proceedings including the statement released by the accused and his conviction sheet.

Having heard the oral submissions made by the parties.

Having seen sections 94, 95, 214, 216, 217, 328(d), 338(dd), 338(ee), 338(ff) and 339(1)(d) of Chapter 9 of the Laws of Malta.

Having considered:

That the accused replied guilty to the charges brought against him; the charges are consequently sufficiently proved.

With regard to the penalty to be meted out the Court considered that the offences committed by the accused are very serious offences.

On the other hand it also considered that the accused, who has no criminal record, not only regretted his actions

but also co-operated with the competent authorities in their investigation and admitted the charges brought against him in the initial stages of the procedures. Furthermore the accused has already compensated the injured parties (including the injured police officers) for damages suffered and any civil claims they may have in his regard.

The Court further considered that in view of the nature of the offences the proper penalty should be one of imprisonment. However in view of the circumstances in which the accused committed the offences, in view of his clean criminal record, and in view of his immediate reparation for the damages caused, section 21 of Chapter 9 of the Laws of Malta should be applied in establishing the term of imprisonment. For these same reasons the Court also considers the term of imprisonment to be imposed should be suspended.

Consequently the Court, after having seen sections 94, 95, 214, 216, 217, 328(d), 338(dd), 338(ee), 338(ff) and 339(1)(d) of Chapter 9 of the Laws of Malta, on his admission finds the accused Svein Epsen Sorstad guilty of the charges brought against him, and on account of the aforementioned reasons by application of section 21 of the said Chapter 9, condemns him to the term of six (6) months imprisonment which term, by application of section 28A of Chapter 9 of the Laws of Malta, is being suspended for a period of one (1) year.

The Court explained to the accused his responsibilities under section 28B of the said Chapter 9 if he commits another offence punishable with imprisonment during the operative period of one year.

< Final Judgement >

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