



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

**MAGISTRATE DR.
SAVIOUR DEMICOLI**

Sitting of the 22 nd February, 2008

Number 113/2008

**The Police
(Inspector Therese Sciberras)**

vs

Ulrich Hennerich

The Court

Seen the charge brought against Ulrich Hennerich born on the 11th May 1937 Rahlen J Ravensburg Germany son of Karl and Johanna nee Schumhmacker residing at no 21/1 Schramberger Street Balingen D 72336 holder of the German ID 6991484036 and whilst in Malta at Ramla Bay Hotel Room no 242 Marfa Road Marfa Mellieha and accused him that on the 3rd February 2008 whilst in Malta sometime between 13.00hrs and 19.00hrs caused unnecessary pain, suffering or distress (Chapter 439 Section 8(2) of the Laws of Malta)

Heard evidence.

Seen the acts of the case and the exhibited documents.

Seen the Attorney General's Consent (Doc. TS3) and noted that accused has no objection to his case being dealt with summarily.

Noted that in today's sitting accused declared in the examination that he is pleading guilty to the charge brought against him.

The Court warned the accused in the most solemn manner as to the consequences of his admission of guilt and gave him some time to decide whether to confirm his admission of guilt or not, and having been asked whether he confirms his admission of guilt or not, the accused confirmed that he is pleading guilty to the charge brought against him.

At this stage the Court makes reference to the deposition given in today's sitting by Veterinary Sammy Bezzina who stated:

"I work as a veterinarian. I examined the cat in question on the 4th of February 2008. I wish to add that from my examination it emerges that the said cat had serious neurological problems due to the incident that occurred on the 3rd of February 2008. In circumstances when we see that the lesions are irreversible we usually conclude that the animal in question would be put off to sleep. As regards the injury that from the examination of the said cat I could determine that it was possibly done on the 3rd of February 2008 was a broken canine. Usually when we veterinarians in Malta conclude that an animal had such lesions that it has to be put off to sleep we adopt an injection of pentobarbital which is a humane method. As regards this cat it is still alive but the improvements are very partial. The cat was mainly suffering because it had a full bladder. The bladder was full due to neurological problems and something had to be done immediately. When I examined the cat I administered pain relief, I

emptied the bladder and then I emptied the rectum. Subsequently the cat was catheterized in order to prevent that the bladder fills up again. In the successive weeks we administered anti inflammatories in order to reverse the neurological problem. The problem regarding the bladder and the rectum reversed partially but the problem regarding the legs is persistent. At present the cat needs a lot of nursing however if conditions worsen the decision that has to be taken it would be that the cat has to be put off to sleep. At present the cat is under the care of Mr Aldo Melidoni.”

Under cross examination said witness Veterinary Sammy Bezzina in today’s sitting stated “I agree that the cat in question is paralyzed and even with medication it is highly improbable that this cat will be cured. As regards the present case certainly from veterinary site, it is more than humane to dispose of the cat through injection rather than using other methods and in the case in question, now that it has been explained to me the method that was being used to dispose of the cat by accused I do not agree with the method used. However I wish to add that as regards the health position of the cat is in a very serious situation”.

Noted that in today’s sitting Prosecuting Officer declared that accused co-operated fully with the Police and declared that from the evidence given today by Veterinary Sammy Bezzina it clearly emerges that although the method used by accused to try to dispose of the injured cat was such that it falls within the ambit of Article 8(2) of Chapter 439 of the Laws of Malta, the Prosecution, taking into consideration all the circumstances of the case, humbly submits that the Court in giving judgment should consider the minimum of the fine as envisaged in chapter 439 of the Laws of Malta.

Seen sections 8(2) and 45(1) of Chapter 439 of the Laws of Malta.

Taking into consideration that accused Ulrich Hennerich, in today’s sitting, pleaded guilty to the charge brought

against him, the Court has no alternative but to find said accused Ulrich Hennerich guilty of the charge brought against him and having considered all the circumstances of the case including the fact that accused pleaded guilty to the charge brought against him at an early stage of the case, the clean criminal conduct sheet of accused, the contents of the deposition and cross-examination of veterinary Sammy Bezzina given in today's sitting as reproduced in this Judgment and the fact that in today's sitting Prosecuting Officer declared that accused co-operated fully with the Police and declared that from the evidence given today by Veterinary Sammy Bezzina, it clearly emerges that although the method used by accused to try to dispose of the injured cat was such that it falls within the ambit of Article 8(2) of Chapter 439 of the Laws of Malta, the Prosecution, taking into consideration all the circumstances, humbly submitted that the Court in giving Judgment should consider the minimum of the fine as envisaged in Chapter 439 of the Laws of Malta, condemns accused Ulrich Hennerich to two hundred and thirty two Euro and ninety four Euro cents (Eur.232.94) fine (multa) equivalent to one hundred Maltese Liri (Lm100).

< Final Judgement >

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