



**QORTI TAL-MAGISTRATI  
(GHAWDEX) BHALA QORTI TA' GUDIKATURA  
KRIMINALI**

**MAGISTRAT DR.  
ANTHONY ELLUL**

Seduta ta' l-10 ta' Lulju, 2009

Numru. 42/2009

The Police  
(Inspector Frank Anthony Tabone)

Vs

**MATTHIJS LUCAS BOCKTING** 20 years, son of Ludgerus and Marijke nee' Magdelena, born in Warnsveld, Netherlands, date of birth 1<sup>st</sup> September 1988, residing at whilst in Malta at Ta' Gammarie, Ghajn Mhellel Street, Zebbug, Gozo, holder of Netherlands Passport number NRJ0626R4

**WILLEM ANDREAS DEN HERDER**, 20 years son of Frank and Alley nee' Den Herder, born in Voorschoten, Netherlands, date of birth 20<sup>th</sup> December 1983, residing whilst in Malta at Ta' Gammarie, Ghajn Mhellel Street, Zebbug, Gozo holder of Netherlands passport No. NRP593170

**NICOLAS CORNELIS PIETER KRAMER**, 29 years, son of Piet and Nelly nee' Bakker, born in Hoorn, Netherlands, date of birth 25<sup>th</sup> February 1980, residing whilst in Malta at Ta' Cammarie, Ghajn Mhellel Street, Zebbug, Gozo holder of Netherlands passport No. NK0766350

**ARTHUR SCHULTE**, 25 years, son of William and Kitty nee' Schelling, born in Haarlem, Netherlands, date of birth 27<sup>th</sup> April 1984, residing whilst in Malta at Ta' Gammarie, Ghajn Mhellel Street, Zebbug, Gozo holder of Netherlands passport No. NX1H7D237

**MARTEEN HERMAN TER HORST**, 22 years, son of Herman and Mies nee' Tenham, born in Eindhoven, Netherlands, date of birth 8<sup>th</sup> January 1987, residing whilst in Malta at Ta' Gammarie, Ghajn Mhellel Street, Zebbug, Gozo holder of Netherlands passport No. NG8499108

The Court,

Having seen the charges brought against the accused:-

***With having on the 8<sup>th</sup> July 2009 and on the previous days at Ta' Gammarie in Ghajn Mhellel Street, Zebbug, Gozo, Malta and in other places in Gozo:***

***a. Willfully committed and spoilt, damage or injury to or upon any movable or immovable property belonging to any other person which damage exceeds one thousand one hundred sixty four euro and sixty nine cents (€1,164.69) to the detriment of Jeffrey Cassar (ID121361M) and Mariella Cassar (ID260663M).***

Having heard the prosecuting officer.

Having heard the co-accused file a guilty plea.

Having been informed that the co-accused and complainants Jeffrey and Mariella Cassar reached an amicable settlement whereby the co-accused paid the

sum of thirteen thousand (€13,000) euros in full and final settlement for all damages caused in the above-mentioned premises. Furthermore, the co-accused declared that they apologized for the incident.

Without any doubt the co-accused have caused considerable damage in private property owned by Jeffrey and Mariella Cassar. This was an unnecessary incident which would certainly have had serious repercussions for the co-accused had they not reached an amicable settlement with the victims. The damage was committed voluntarily, and the demeanour of the co-accused is totally unacceptable and shameful. It would seem that their idea of having a good time was to act like a pack of heinous vandals without any consideration that they are using other people's private property. Their actions have caused unnecessary distress, pain and suffering for the victims who lease their property to make a decent living.

Notwithstanding, the court having considered that the co-accused:-

- (a) Filed a guilty plea at an early stage of the proceedings;
- (b) Co-operated with the police during the investigation;
- (c) Paid for the damages caused in the property of complainants after concluding an amicable settlement with the victims;
- (d) Expressed regret for their actions;

is of the opinion that the co-accused should not be condemned to imprisonment. Furthermore, they are young students on holiday in Malta and it has not been proved that they have any previous convictions. Furthermore, after the havoc they caused the co-accused did their utmost to ensure that the victims are fully compensated for the damages, and in a few hours managed to make all necessary arrangements to ensure that they honour their obligation. They fully succeeded and the court must give them credit for this.

Under these circumstances the court considers that at this stage it is not appropriate to impose a prison term on the co-accused. The court augurs that the co-accused have learnt their lesson and that they are truly sorry for what they did, and will not repeat such shameful acts when using private property.

**Having seen Article 325 of the Criminal Code (Chapter 9 of the Laws of Malta) and heard the co-accused file a voluntary guilty plea, the court declares that they are guilty as charged. However having seen Article 21 of the Criminal Code and Article 22 of the Probation Act (Chapter 446 of the Criminal Code), the court discharges the co-accused on condition that they do not commit another offence within three (3) years from today. The court explained to the accused that if they commit another offence during the period of conditional discharge, they will be liable to be punished for this offence.**

**< Sentenza Finali >**

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