



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

**MAGISTRATE
DOREEN CLARKE**

Sitting of the 16th August, 2010

Number. 843/2010

**The Police
(Inspector Therese Sciberras)**

vs

Aarnoud De Hamer

Today the 16th August 2010

Case Number: 843/2010

The Court,

Having seen the charges brought against

Aarnoud De Hamer, of 43 years, born in Holland on the 17th of December, 1966, son of Jan and Ria nee Aanoutsa, and residing at no 133 Seaview flat no 11 Sir Luigi Preziosi Street, St Paul's Bay and holder of Maltese identity Card Number 29091A.

Charged with having on the night between the 14th and the 15th of August, 2010 sometime between 00.00hrs and 02.50hrs in Qawra St Paul's Bay Malta assaulted or resisted by violence persons lawfully charged with a public duty that is PS 914, PC 675 and PC 1485 when in the execution of the law or of a lawful order issued by a competent authority.

Moreover charged with having on the same date, time, place and circumstances threatened or caused a bodily harm to PS 914, PC 675 and PC 1485 while in the act of discharging their duty or because of their having discharged such duty or with intent to intimidate or unduly influence them in the exercise of such duty.

Moreover charged with having on the same date, time, place and circumstances refused to give or untruthfully given to any public officer that is PS 914 entrusted with a public service in the actual exercise of his duties, his name, surname, address and other particulars.

Moreover charged with having on the same date, time, place and circumstance caused slight injuries on PC 675 David Sciberras and PC 1485 Gilbert Zammit as certified by Dr Raymond Gixti MD Reg no 2405 from the Mosta Health Centre.

Moreover charged with having on the same date, time, place and circumstances even though in a state of intoxication, publicly uttered obscene or indecent words, or made obscene acts or gestures, or in any manner not otherwise provided for in this code, offended the public morality, propriety or decency.

And moreover charged with having on the same date, place and circumstances thrown, dropped or left or otherwise spilled or deposited any litter in any public place, street, sea, or open space to which the public has access, unless such depositing and leaving is lawfully authorized.

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Having seen sections 95, 96, 221, 338(g) and 338(dd) of Chapter 9 of the Laws of Malta and regulation 4 of Legal Notice 344 of the year 2005.

Having seen that the defendant admitted the charges brought against him and confirmed these charges even after the Court gave him sufficient time to reconsider his plea.

Having heard the oral submissions made by the parties.

Having seen the acts of the proceedings.

Having considered

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

That as regards the penalty to be meted out the Court took into consideration the nature of the charges brought against the defendant, his cooperation with the police in the course of the investigation, his admission of guilt at the earliest stage of these proceedings and his clean criminal record.

For these reasons the Court after having seen sections 95, 95, 221, 338(g) and 338(dd) of Chapter 9 of the Laws of Malta and regulation 4 of Legal Notice 344 of the year 2005, on his admission finds defendant guilty of the charges brought against him and condemns to five months imprisonment which by application of section 28A of Chapter 9 of the Laws of Malta are being suspended for a period of two years and to a fine of €150 which is to be paid within a month.

The Court explained to the defendant in ordinary language the consequences should he commit an other offence within the period of two years.

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< Final Judgement >

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