



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

**MAGISTRATE DR.
MIRIAM HAYMAN**

Sitting of the 23 rd August, 2010

Number. 867/2010

**THE POLICE
INSPECTOR FABIAN FLERI**

VS

ERIC JOAKIM MARKLUND aged 20 years, son of Peder Marklund and Ann-Sofi Johansson, born in Pitea S in Sweden on the 06.08.1990, residing at Room 306, Cerviola Hotel, Triq il-Qaliet, Marsascala, holder of Swedish passport 806 49010;

The Court;

Seen charges brought against the above-mentioned **ERIC JOAKIM MARKLUND** who was accused of having:

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1. On the 21st August, 2010 at about 22:30 hrs, whilst he was in the Zabbar Police Station, and whilst in policy custody, escaped from police custody (Art 152 Chap 9);

2. And also of having on the 21st August, 2010 between 21.00hrs and 21.35hrs in Triq is-Salini and Triq il-Vajrita, Marsascalea, whilst driving a vehicle registration number LEK 879 make Ford Focus drove or attempted to drive or was in charge of a motor car or other vehicle on the road or other public place when he was unfit to drive through drink or drugs (Art 15A (1) Chap 65);

3. And also of having on the same date, time, place and circumstances, drove or attempted to drive or having been in charge of a motor car registration number LEK 879 make Ford Focus on a road or other public place after consuming so much alcohol that the proportion of it in his breath, blood or urine exceeded the prescribed limit (83mg/100ml) (Sec 15B(1) Sec 65);

4. And also of having on the same date, time, place and circumstances, whilst driving a vehicle registration number LEK 879 make Ford Focus drove same vehicle when he was not in possession of a driving license thus not being covered by an insurance policy for third parties (Sec 15A(1) Chap 65);

5. And also of having on the same date, time, place and circumstances, whilst driving a vehicle registration number LEK 879 make Ford Focus through imprudence, negligence, or unskillfulness in his trade or profession, or through non-observance of the traffic regulations collided against a vehicle with registration number DBN 149 make Ford Orion and involuntarily caused damages to the same vehicle to the detriment of Darren Micallef holder of identity card number 437 089M (Art 328 Chap 9);

6. And also of having on the same date, time, place and circumstances, whilst driving a vehicle registration number LEK 879 make Ford Focus through imprudence, negligence or unskillfulness in his trade or profession, or through non-observance of the traffic regulations collided

against a vehicle with registration number EBM 889 make Toyota Ist and involuntarily caused damages to the same vehicle to the detriment of Raymond Cachia holder of identity card number 96881M (Art 328 Chap 9);

7. And also of having on the same date, time, place and circumstances, whilst driving a vehicle registration number LEK 879 make Ford Focus through imprudence, negligence or unskillfulness in his trade or profession, or through non-observance of the traffic regulations, collided against a vehicle with registration number TRA 831 make Toyota Yaris and involuntarily caused damages to the same vehicle to the detriment of Simon Simpson holder of identity card number 170071M (Art 328 Chap 9);

8. And also of having on the same date, time, place and circumstances, whilst driving a vehicle registration number LEK 879 make Ford Focus through imprudence, negligence, or unskillfulness in his trade or profession, or through non-observance of the traffic regulations collided against a vehicle with registration number JAN 103 make Toyota Starlet and involuntarily caused damages to the same vehicle to the detriment of Simon Simpson holder of identity card number 170071M (Art 328 Chap 9);

9. And also of having on the same date, time, place, and circumstances, whilst driving a vehicle registration number LEK 879 make Ford Focus, through imprudence, negligence, or unskillfulness in this trade or profession, or through non-observance of the traffic regulations, collided against a vehicle with registration number TFH 231 make Volkswagen Beetle and involuntarily caused damages to the same vehicle to the detriment of Dr Alfredo Demanuele holder of identity card number 695430M (Art 328 Chap 9);

10. And also of having on the same date, time, place and circumstances, whilst driving a vehicle registration number LEK 879 make Ford Focus, drove same vehicle in a reckless, negligent and dangerous manner (Sec 15(1)(a) Chap 65);

11. And also of having on the date, time, place and circumstances, whilst driving a vehicle registration number LEK 879, make Ford Focus, failed to report a traffic accident, failed to give his name and address, the name and address of the owner of the motor vehicle, the details of the insurer of the vehicle as well as its registration mark or number and failed to stop and left the place of the accident when he was involved in a traffic accident in the mentioned streets with vehicles: registration number DBN 149 make Ford Orion, registration number EBM 889 make Toyota Ist, registration number TRA 891 make Toyota Yaris, registration number JAN 103 make Toyota Starlet, registration number TFH 231 make Volkswagen Beetle (Sec 67(1) SL 65.11);

12. And also of having on the same date, time, place and circumstances whilst driving a vehicle registration number LEK 879 make Ford Focus drove same vehicle against the traffic signs (LN 94/69).

Seen accused's early guilty plea at the stage of his arraignment under arrest, and this after having been allowed reasonable time by Court to re-consider his admission;

Seen Article 152 of Chapter 9 of the Laws of Malta, Article 15A(1) of Chapter 65 of the Laws of Malta; Article 15B(1) of Chapter 9 of the Laws of Malta; Article 328 of Chapter 9 of the Laws of Malta, Section 67(1) of SL 65.11, and also Legal Notice 94/69;

Seen all records of the case;

Heard submissions by parties.

Considers:

This Court is thus finding accused guilty as charged, and condemns him to a year (1) imprisonment suspended for two (2) years, after having seen Section 28A of Chapter 9 of the Laws of Malta;

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Condemns him also to a fine of five thousand Euros (€5,000), and to the suspension of any driving license for a period of one (1) year.

< Final Judgement >

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