



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

**MAGISTRATE DR.
SAVIOUR DEMICOLI**

Sitting of the 1 st March, 2011

Number 497/2006

**The Police
(Inspector Therese Sciberras)**

vs

ALBERT D'EMANUELE

The Court,

Seen the charges brought against Albert D'Emanuele 56 years old born on the 23/10/1951 Floriana son of Joseph and Rose nee Attard holder of a Maltese ID 793551M and residing at Mirabelle Flat 4 Triq l-Imhar St. Paul's Bay

Accused with having on the 20th August 2005 sometime between 18.00 hrs and 22.00 hrs in St. Paul's Bay without intent to kill or to put the life of any person that is Joseph Grima in manifest jeopardy caused the mentioned Joseph

Informal Copy of Judgement

Grima harm to his body which bodily harm is considered grievous

And moreover with having on the same date, time, place and circumstances caused voluntary damages on movable property which amount to Lm1450.00 to the detriment of Joseph Grima

Heard evidence.

Seen the acts of the Case and the exhibited documents.

Seen the Articles sent by the Attorney General in his Note dated 11th March, 2008 found at folio 32 of the acts of the proceedings and noted that accused does not have any objection that his case be dealt with summarily.

Noted that in today's Sitting Prosecuting Officer, with reference to article 533 of Chapter 9 of the Laws of Malta sent by the Attorney General in his Note dated 11th March, 2008, declared that in this case no expenses were incurred under article 533 of Chapter 9 of the Laws of Malta and consequently requested that the Court abstains from taking further cognizance of the request made by virtue of article 533 of Chapter 9 of the Laws of Malta.

Furthermore same Prosecuting Officer declared that in the present circumstances of this case it would be opportune that the Court gives a Provision in accordance with article 383 of Chapter 9 of the Laws of Malta instead of article 412(c) of Chapter 9 of the Laws of Malta.

Noted that in today's Sitting accused pleaded guilty to all the charges brought against him.

The Court warned 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, accused confirmed that he is pleading guilty to all the charges brought against him.

Seen articles 17, 31, 214, 216(1)(b), 325(1)(a), 383, 384, 385, 386, 412(c) and 533 of Chapter 9 of the Laws of Malta.

Finds accused Albert D'Emanuele, on admission of guilt, guilty of all the charges brought against him and taking into consideration all the circumstances of the case including the conviction sheet of accused and having seen articles 28A and 28B of Chapter 9 of the Laws of Malta condemns accused Albert D'Emanuele to two (2) years imprisonment and orders that this Sentence as regards the punishment of imprisonment shall not take effect unless during the period of four (4) years as from today accused Albert D'Emanuele commits another offence punishable with imprisonment.

The Court with reference to the request made by the Attorney General in his Note dated 11th March, 2008 in virtue of article 533 of Chapter 9 of the Laws of Malta, noting what has been declared and requested by the Prosecuting Officer in today's Sitting regarding said request reproduced in this Sentence, abstains from taking further cognizance of the request made by the Attorney General in virtue of article 533 of Chapter 9 of the Laws of Malta.

The Court, by applying article 383 of Chapter 9 of the Laws of Malta, binds accused Albert D'Emanuele with a personal obligation of one thousand Euro (Euro 1000) to keep peace with Joseph Grima for the period of one year as from today.

Finally the Court is giving the Albert D'Emanuele the explanation prescribed in sub-section 28A(4) of Chapter 9 of the Laws of Malta.

< Final Judgement >

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