



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

**MAGISTRATE DR.
CLAIRE-LOUISE STAFRACE**

Sitting of the 2 nd January, 2013

Number. 5/2013

**The Police
[Inspector Saviour Baldacchino]**

vs

Thomas Alan Kennedy

The Court,

Having seen that the accused Thomas Alan Kennedy holder of British Passport number 511049137.

Was charged:

With having on the 1st of January 2013 at around 03:00 hrs, in these Islands, that is while at Ta' Xbiex:

1. Converted to his own benefit a vehicle Maruti Gypsy bearing registration Number LAD 119 which has been entrusted or delivered to him by Mr. Duncan Pace

under a title which implied an obligation to return such thing or to make use thereof for a specific purpose;

2. And also on the same date, time, place and circumstances, through imprudence, negligence or unskillfulness in his trade or profession, or through non-observance of any regulation, caused damage on vehicle type Maruti Gypsy bearing registration number LAD 119, which damage amounts to one thousand and nine hundred Euros (€1900), to the detriment of Mr. Duncan Pace and/or other persons;

3. And also on the same date, time, place and circumstances, through imprudence, negligence or unskillfulness in his trade or profession, or through non-observance of any regulation, caused extensive damages on property styled as Cloe, situated at, Ta'Xbiex Sea Front, Ta'Xbiex, which damage amounts to one thousand and five hundred Euros (€1500), to the detriment of Mr. Mark Gregory and/or other persons;

4. Also with having on the same date, time, place and circumstances, driven vehicle type Maruti Gypsy bearing registration number LAD 119 or attempted to drive or be in charge of a motor vehicle or other vehicle on a road or other public place while he was unfit to drive through drink or drugs;

5. And also with having on the same date, time, place and circumstances, driven the mentioned vehicle or attempted to drive or be in charge of a motor vehicle or other vehicle on a road or other public place after consuming so much alcohol that the proportion of it in his breath, blood or urine exceeds the prescribed limit;

6. And also with having on the same date, time, place and circumstances, driven the mentioned vehicle on a road without a valid driving licence issued by the competent Authority;

7. And also with having on the same date, time, place and circumstances, driven the mentioned vehicle on a road without being covered by an insurance policy;

8. And also with having on the same date, time, place and circumstances, driven the mentioned vehicle in a reckless, negligent or dangerous manner;

9. And also with having on the same date, time, place and circumstances in any public place or place open to the public, was found drunk and incapable of taking care of himself.

After having seen documentations and heard guilty plea of accused which was re-confirmed after having due time to think it over.

After having seen Articles 328(d) and 338 of Chapter 9, Articles 15A(1)(2), 15B(1), 15(1)(b) and 15(1)(a) of Chapter 65 and Article 3 of Chapter 104 of the Laws of Malta, finds accused Thomas Alan Kennedy guilty of all charges brought against him and condemns him to a probation order for a period of one (1) year.

The accused is also obliged to pay the sum of €1,500 representing damages to property in question and this within one (1) month from today to which the probation officer shall ensure that such sum is duly paid.

The Court also and after having seen Section 21 of Chapter 9 since accused admitted charges from the start and after accused declared that he is paying damages within one month, orders suspension of driving license of accused for only one (1) month starting from midnight.

Finally, explained in simple words the repercussions if such order is not complied with.

< Final Judgement >

Informal Copy of Judgement

-----END-----