



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

**MAGISTRATE DR.
IAN FARRUGIA**

Sitting of the 23 rd June, 2013

Number 600/2013

**The Police
(Inspector Trevor Micallef)**

Vs

Eric Oskar Astrom

The Court,

Having seen the charges brought against Erik Oskar Astrom, son of Mikael Lundgren and Maria nee` Astrom, date of birth 19th March 1992, born in Sweden and presently residing at 18, Flat 1, Sliema Road, Gzira and holder of Swedish passport no. 80136740.

Accused of having in these islands on the 22nd June 2013 at about quarter to seven in the morning (06:45a.m) wilfully committed any spoil, damage or injury to or upon

movable or immovable property vehicle bearing registration no. HBL 346 make Hyundai to the detriment of Tony Attard, and/or the MMDNA and/or other institutions and vehicle registration no. EAP 159 make Mazda to the detriment of Dr. Norman Vella D.B.A, and/or other persons, and/or other institutions which were parked in Triq ir-Russett, San Gwann and/or in the vicinity which damages do not exceed the amount of one thousand and one hundred and sixty four euro and sixty-nine cents (1,164.69) but exceeds one hundred and sixteen euro and forty-seven cents (116.47). (art. 325 (1) (b) Chapter 9);

Accused him further for having on the same date, time, place and circumstances in a public place or place open for the public, was found drunk and incapable of taking care of himself. (art 338 (ff) Chapter 9);

Having seen all the documents exhibited in the acts of these proceedings;

Having heard prosecuting officer on oath;

Having seen the minutes of today's hearing;

Having heard submissions by the prosecution;

Considers;

That in view of the accused's guilty plea to all charges proffered against him, and since there is no reason emanating from these proceedings why this Court should not accept such plea, it is the duty of this Court to proceed with judgement and declare the accused guilty as charged.

In the context of punishment or sanction to be meted out to the accused, the Court is taking into consideration the following resulting factors, mainly (1) that the accused cooperated fully with the police in their duty to investigate, (2) that the accused declared immediately (*vide* his statement released to the police during interrogation) that he was sorry for his actions, (3) that the accused pleaded

guilty to all charges at the earliest opportunity in these proceedings, and (4) that the accused, apart from accepting responsibility, immediately paid the full amount due to the victims for the damages caused to their property (vehicles). The Court took into consideration also the fact that the accused is in regular employment here in Malta.

In view of the above, this Court is of the opinion that, having regard to all the circumstances of the case, the nature of the offence and the character of the accused, it is inexpedient to inflict punishment and consequently deems it fit to discharge the accused in terms of Article 22 of Chapter 446 of the Laws of Malta.

Therefore, The Court, having seen Articles 325 and 338(ff) of Chapter 9, finds and declares offender Eric Oskar Astrom guilty of all charges brought against him and discharges the offender subject to the condition that he commits no offence for a period of three years from today, and this in terms of Article 22 of Chapter 446 of the Laws of Malta. In terms of said Article 22 of Chapter 446, the Court explained to the offender in ordinary language that if he commits another offence during the period of conditional discharge, the offender will be liable to be sentenced for the original offence/s.

< Final Judgement >

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