



**Court of Magistrates (Malta)
As a Court of Criminal Judicature**

Magistrate Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)

**The Police
(Inspector Bernardette Valletta)**

-vs-

**Rosalino Martins Pais De Almeida holder of Portuguese Passport Number
N690800 and Maltese Residence Permit number 66290A**

Today the 15th April, 2019

The Court,

Having seen the charges brought against the accused **Rosalino Martins Pais De Almeida** who is being charged:

For having on these islands, on the 17th March, 2019 and the preceding weeks, failed to observe any of the conditions imposed by the Court presided by Hon. Judge Consuelo Scerri Herrera LL.D. in its decree dated 12th February, 2019, granting bail under certain conditions, as per Article 579 (2) (3) Chapter 9 of the Laws of Malta.

Thus, the applicant requests the Honourable Court that if same is found guilty to revoke 'contrario imperio' the bail of Rosalino Martins Pais De

Almeida, order the re-arrest and for the sum stated in the bail bond to be forfeited to the Government of Malta.

Having seen all the acts and documents exhibited;

Having heard witnesses.

Having heard the prosecution and defence counsel make their submissions;

Considers:

Whereas defence counsel is not contesting that the accused is indeed the person appearing in the said footage.¹

Whereas it results that at such time and in accordance to the Court decree delivered by the Criminal Court on the 12th February, 2019, the accused's bail conditions were varied *inter alia* by a reduction in "*the time within which the accused can be out of his home namely that he is to return home at 9:00pm every day including Sundays and Public Holidays*".²

Whereas the accused himself, whilst testifying before this Court, admits that he breached the bail condition regarding the hours within which he was ordered to retire in his residence;

Whereas the footage³ taken from the establishment styled as Bar Native in Paceville clearly shows the accused frequenting the said establishment on the 10th March, 2019 after 10pm;⁴

¹ Fol.3

² Fol.25

³ **Dok. BV7** a fol. 38

⁴ Evidence of Daniel Lyth a. fol. 52

Whereas the accused has been charged with the offence provided for in terms of article 579(2) of the Criminal Code which leaves the Court with no discretion as regards the forfeiture of the bail bond which is **a mandatory consequence of a conviction** under this same article:

(2) Any person who fails to observe any of the conditions imposed by the court in its decree granting bail shall be guilty of an offence and shall, on conviction, be liable to the punishment of a fine (*multa*) or to a term of imprisonment from four months to two years, or to both such fine and imprisonment and the sum stated in the bail bond shall be forfeited to the Government of Malta.

For the said reasons the Court, after having seen section 579 of Chapter 9 of the Laws of Malta, finds the accused guilty of the charge brought against him and condemns him to six (6) months imprisonment.

The Court is also ordering the forfeiture in favour of the Government of Malta of the sum of twenty four thousand Euro (€24,000) representing the deposit and personal guarantee referred to in the bail bond as amended by the Criminal Court when the initial deposit of six thousand Euro (€6,000)⁵ was increased to ten thousand Euro (€10,000)⁶ in addition to a personal guarantee of fourteen thousand Euro (€14,000).⁷

Moreover, the Court is revoking the decree delivered by the Court of Magistrates (Malta) of the 7th February 2019, by means of which the accused was released on bail and is consequently ordering his immediate re-arrest.

Dr. Donatella M. Frendo Dimech LL.D., Mag.Jur. (Int. Law)
Magistrate

⁵ Fol.21

⁶ Fol.25

⁷ Fol.21