



MALTA

**IN THE COURT OF MAGISTRATES (MALTA)
AS COURT OF CRIMINAL JUDICATURE**

**MAGISTRATE
DR. CHARMAINE GALEA**

Today the 20th of May 2019

**The Police
(Inspector Bernardette Valletta)**

VS

**Bittor Barandiaran Fernandez
(Spanish identity card number 72517804T)**

The Court:

Having seen that the offender **Bittor Barandiaran Fernandez** was charged with having on Sunday 19th May 2019 between 0032hrs and 0038hrs at Sacro Cour Street, Sliema:

1. Caused wilful damage upon movable property, motorcycle bearing Reg No: ECD081 Make Keeway Model Cityblade Colour Grey to the detriment of Jake Borg from Sliema, which damage does not exceed two hundred and fifty euros (€250) in breach of art 325(1)(c) of Chap 9 of the Laws of Malta;
2. And more on the same date, time, place in a public place drunk and incapable of taking care of himself in breach of art 338(ff) of Chap 9 of the Laws of Malta.

After having seen all the records of the case;

After having heard the offender plead guilty to the charges laid against him at an early stage of the proceedings, which guilty plea was confirmed by the same offender after the Court, in terms of section 453 (1) of Chapter 9 of the Laws of Malta, warned her of the legal consequences of that guilty plea, and allowed him sufficient time to re-consider his reply, and to change it;

After having heard the oral submissions on the punishment;

Considered that:

From the evidence brought forward and from the guilty plea registered by the offender, the Court concludes that the offender is guilty of the charges laid against him.

As regards the punishment, the Court took into consideration the fact that the offender admitted to the charges at a very early stage of the proceedings and that he co-operated with the police and is ready to pay the damages suffered by the injured party.

DECIDE

For these reasons, the Court, after having seen section 325 (1)(c) and 338 (ff) of Chapter 9 of the Laws of Malta, declares the accused **Bittor Barandiaran Fernandez** guilty of all the charges laid against him and in terms of Section 22 (1) of Chapter 446 of the Laws of Malta conditionally discharges him on condition that he does not commit any other offence during the period of six (6) months from today.

The Court is giving accused **Bittor Barandiaran Fernandez** the explanation prescribed in Section 22(3) of Chapter 446 of the Laws of Malta.

Finally, the Court orders the accused to pay Jake Borg the amount of two hundred and thirty-six euro (€236) by way of damages.

Dr. Charmaine Galea
Magistrate

Diane Gatt
Deputy Registrar