



IN THE COURT OF MAGISTRATES (MALTA)

As a Court of Criminal Judicature

MAGISTRATE

DR. CAROLINE FARRUGIA FRENDU

B.A. (Legal and Humanistic Studies), LL.D.,

M.Juris (International Law), Dip. Trib. Eccl. Melit.

The Police

Inspector Leeroy Balzan Engerer

vs

Volkan Aytekin

Sliema District

Today 23rd June, 2020

The Court;

Having seen Volkan Aytekin holder of Turkish passport with no: U22306892;

And charged with having on the 30th January, 2020 between six thirty (18:30 hrs) and seven (19:00 hrs) o'clock in the evening in Sliema seafront, Sliema:

1. Assaulted or resisted by violence or active force not amounting to public violence, any person lawfully charged with a public duty when in the execution of the law or of a lawful order issued by a competent authority. (Art 96 Chapter 9 of the Laws of Malta).

2. Through imprudence, negligence or unskilfulness in his trade or profession, or through non-observance of any regulation, caused damages to vehicle with registration number GVP 646 of make Fiat, to the detriment of the Commission of Police of Malta. (Art. 328(d) Chapter 9 of the Laws of Malta.

Having seen the acts and the documents exhibited in the proceedings, namely, current incident report, photocopy of the accused's Turkish passport, photocopy of the accused's Turkish passport, conviction sheet, statement, current incident report marked as Doc BM2; estimate of damages marked as Doc LBE1.

Having heard the testimony of the witnesses summoned by the Prosecution, namely PS 157 Brian Mifsud; Inspector Leeroy Balzan Engerer; PC 729 Kevin Decelis; PC 1418 Jerome Sammut; PC 1170 Franklin Agius; PS 614 Stiliker Pullicino.

Having heard the accused register a guilty plea on the 23rd June, 2020.

After having explained the punishment of his guilty plea, and after having given the accused sufficient time to consult with his lawyers and reconsider his guilty plea, the accused confirmed his guilty plea.

PS 157 Brian Mifsud, explained that on the 30th January, 2020 at around 6:30 p.m. a report was filed with the police that there was a male person causing trouble at the Ferries, Sliema. Therefore, PS 157 sent PC 729 and PC 1418 to check the complaint and after some time, these 2 police officers returned to the station with Volkan Aytekin. Volkan Aytekin was handcuffed as he was acting aggressively towards the police officers and whilst he was being escorted to the police vehicle, he kicked one of the doors and caused damage. PC 729 and PC 1418 also gave PS 157 Brian Mifsud a pair of scissors and a barber's knife which were in the possession of the Volkan Aytekin when he was searched. Volkan Aytekin remained aggressive towards the police officers at the Station and also bribed them with money to let him go. PS 157 Brian Mifsud ordered PC 1170, PC 729 and PC 1418 to take Volkan Aytekin to the Floriana health centre to be visited by a doctor. Subsequently, he was referred to Mount Carmel.

Inspector Leeroy Balzan Engerer, explained that PS 157 Brian Mifsud had informed him that a certain Volkan Aytekin was arrested as he was threatening passers-by in Sliema and was aggressive towards the police officers. Inspector Balzan Engerer was also informed that Volkan Aytekin was taken to the Floriana Health Centre and then referred to Mount Carmel. Furthermore, PS 157 Brian Mifsud informed Inspector Leeroy Balzan Engerer that Volkan Aytekin had caused damage to one of the police vehicles which damages amounted to €350.

PC 729 Kevin Decelis, confirmed that on the 30th January, 2020 at around 6:30 p.m., several reports were filed at the station that there was man behaving suspiciously near Tony's Bar, Xatt, Sliema. Therefore, PC 729 together with a colleague went on scene where they found a male person wearing a grey top and when said person saw the police, started shouting "police, police, mafia". This male person had his hands in his pockets and even when he was asked by the police to take his hands out of his pockets, the male person refused. Therefore, the police arrested and handcuffed him, and when they searched him, they found a pair of scissors and a red barber's blade used for shaving. When he was being escorted by the police to their vehicle, this male person kicked the door and caused damage to the vehicle. Once at the station, PS 157 instructed PC 729 to take this male person to the Gzira Health Centre, and all the while, this person bribed the police with money to let him go and also tried to run away. Gzira Health Centre referred this male person to Mount Carmel Hospital.

PC 1418 Jerome Sammut, explained that at around 6:30 p.m. the Police station received a call that there was a suspicious person walking in Triq ix-Xatt, Sliema and was stopping people and being aggressive towards them. Therefore, he went on site to check the situation where he found Volkan Aytekin being very aggressive towards the police officers and also kept his hands in his pockets even when asked to take them out. The police managed to handcuff him and when they tried to escort him to their vehicle, he kicked the door causing a dent in the door. After a search was made on Volkan Aytekin, the police found a pair of scissors and a barber's blade. PC 1418 Jerome Sammut confirmed that Volkan Aytekin was shouting that the police were mafia and he also tried to bribe the police with money to let him go.

PC 1170 Franklin Agius, explained that on the 30th January, 2020 at around 7:00 p.m. he was assigned to PS 157 Brian Mifsud to aid his colleagues PC 1418 and PC 729 to escort Volkay Aytekin to the Gzira Health Centre. Volkan Aytekin was being very aggressive towards the police officers and also bribed them with money to let him go.

PS 614 Stiliker Pullicino, confirmed that the police vehicle suffered damages amounting to €350, consisting of panel beating, dents in the back pillar, rear left door, spray painting, police logo, wrapping, and the door handle had to be replaced also.

Having heard oral submissions made by the Prosecution and the Defence with regards the guilty plea.

Considered:

Having seen the accused register a guilty plea rather early in the proceedings, and also the accused's clean conviction sheet.

Decide:

The Court, after having seen the Articles at law, namely Articles 96 and 328(d) of Chapter 9 of the Laws of Malta, and after having heard the guilty plea registered by the accused **Volkan Aytekin** himself, finds the accused guilty, condemns him to a period of seven (7) months imprisonment which period of preventive arrest is to be deducted from the period of these 7 months imprisonment, and to a fine of four thousand euro (€4000) which has to be paid in monthly instalments of four hundred euro (€400) every month, converted into imprisonment upon one missed payment.

Dr. Caroline Farrugia Frendo LL.D.

Magistrate

Nadia Ciappara

Deputy Registrar