



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

**MAGISTRATE DR MARSE-ANN FARRUGIA LL.D.**

**Sitting held today Wednesday, 19th April 2023**

**The Police  
(Inspector Eman Hayman)**

**vs**

**Tor Andre Sundt Holmedal**

The Court:

1. Having seen charges brought against:

Tor Andre Sundt Holmedal, 29 years, son of Tor Holmedal and Conny Sundt, born in Haugesund on the 8<sup>th</sup> November 1992, declare [sic] to reside at 13, Triq Mario Cortis, Attard and holder of residence permit 254377A

Charged with having on the 30<sup>th</sup> August 2022 at about 9am and the preceding hours and, or days and, or weeks in San Gwann and in other localities in Malta:

1. Pursued a course of conduct and harassed his ex-partner Virginia-Jean Camilleri, an offence which was committed repeatedly

2. By means of an electronic communications network or apparatus threatened the commission of any crime or made any other improper use thereof
3. Uttered insults and threats not otherwise provided for in the Criminal Code to the detriment of his ex-partner Virginia-Jean Camilleri, or if provoked, went beyond the limit warranted by the provocation

And also charged with having during the day of the 30<sup>th</sup> August 2022 in San Gwann and in other localities in Malta:

4. Wilfully committed any spoil, damage or injury to or upon any immoveable or movable property causing an amount of damage which does not exceed 250 euros to the detriment of his ex-partner Virginia-Jean Camilleri
5. Had in his possession the drugs (cocaine) specified in the First Schedule of the Dangerous Drug Ordinance, Chapter 101 of the Laws of Malta, when he was not in possession of an import or an export authorisation issued by the Chief Government Medical Officer in pursuance of the provisions of paragraphs 4 and 6 of the Ordinance, and when he was not licensed or otherwise authorised to manufacture or supply the mentioned drugs, and was not otherwise licensed by the President of Malta or authorised by the Internal Control of Dangerous Drugs Regulations (G.N.292/1939) to be in possession of the mentioned drugs, and failed to prove that the mentioned drugs was supplied to him for his personal use, according to a medical prescription as provided in the said regulations, and this in breach of the 1939 Regulations, of the Internal Control of Dangerous Drugs (G.N.292/1939) as subsequently amended by the Dangerous Drugs Ordinance Chapter 101 of the Laws of Malta

The Court was requested to issue a protection order during court proceedings against Tor Andre Sundt Holmedal to the benefit of Virginia-Jean Camilleri as per Article 412C of Chapter 9 of the Laws of Malta

The Court was humbly requested, if deemed appropriate, to issue a treatment order as per Article 412D of Chapter of the Laws of Malta.

The Court was requested to provide for the safety of the identified victims in addition to, or in lieu of the punishment applicable to the offence, imposes Articles 382A, 383, 384 and 385 of Chapter 9 of the Laws of Malta in any manner the Court deems appropriate.

2. Having seen the consent of the Attorney General in terms of Article 370(4) of the Criminal Code for this case to be dealt with summarily, and heard the defendant declare that he has no objection that his case be dealt with in this manner.
3. Having seen the Order of the Attorney General in terms of Article 22(2) of Chapter 101 of the Laws of Malta that the defendant is tried by this Court.
4. Having heard the evidence and having seen all the records of the case and the documents exhibited.
5. Having heard the defendant plead guilty to the charges brought against him in the sitting of the 21<sup>st</sup> November 2022.
6. The Court warned the defendant of the serious consequences of his registering a guilty plea and in particular that the maximum punishment for the offences preferred against him is four years and three months imprisonment and a fine of thirty-five thousand euros (€35,000), and suspended the sitting so that the defendant could consult with his defense lawyer to see whether he wanted to retract his guilty plea.
7. When the case was called again, the Court asked the defendant whether he had enough time to consult his defense lawyer and he answered in the affirmative, and when asked by the Court whether he was going to confirm his guilty plea, the defendant replied in the affirmative.
8. Having heard the evidence of the Probation Officer Joanna Farrugia and having seen her pre-sentencing report.
9. Having heard the oral submissions of the parties.

### **Considerations of this Court**

10. From the evidence submitted, as well as from the guilty plea registered by the defendant himself, the Court finds the defendant guilty of all the charges brought against him.
11. As regards punishment, the Court took into account the fact that the defendant co-operated with the Police and registered a guilty plea at a very early stage of the proceedings, and hence he did not waste time and money of the Police and of this Court.
12. His criminal record in Malta indicates that this is his first brush with the law, since he came to Malta five (5) years ago.
13. The victim, Verginia-Jean Camilleri has testified that the defendant has settled with her the damages he caused, amounting to one hundred and eighty-five Euro (€185.00).
14. The defendant and the victim have maintained their professional relationship, in the sense that the defendant is still an employee of the company of the victim.
15. In her report the Probation Officer stated as follows:

#### *“Care Plan*

*It is important that Tor Holmedal continues to seek treatment for his mental health issues as well as addiction problems.*

#### *Recommendations*

*It is thus being humbly requested to this Honourable Court that Tor Holmedal be placed under a probation order for a period that the Court deems fit in conjunction with a treatment order for the same duration so that he continues receiving the treatment he*

*needs in regard to his mental health and addictions and thus minimise the risk of him repeating an offence.”*

*After having spoken to both the victim and the offender and in the light of the fact that both of them would like to participate in the victim-offender mediation process under the Restoration Justice Act Article 31(2) it is thus being recommended that a referral is made to the Victim-Offender Mediation Committee.”*

16. After taking into account all the circumstances of the case, the Court agrees with the recommendations of the Probation Officer.

## **Conclusion**

17. In view of the abovementioned reasons, the Court:
  1. After seeing Articles 251A(1)(a), 251H(a), 251HA, 222(1)(a), 202(h)(vi), 339(1)(e) and 325(c) of the Criminal Code, Chapter 9 of the the Laws of Malta, Article 49(a)(b) and (c) of Chapter 399 of the Laws of Malta and after seeing Part IV and Part VI, and Articles 22(1)(a) and 22(2)(b)(i) of Chapter 101 of the Laws of Malta, and regulations 4 and 9 of GN 292/1939 finds the defendant guilty of all charges preferred against him, but after taking into account all the circumstances of the case, by applying Article 7 of Chapter 446 of the Laws of Malta, the Court is putting the defendant under a Probation Order for a period of three (3) years from today, with the strict conditions which are being imposed in the Probation Order herewith annexed, which forms an integral part of this judgement.
  2. The Court is putting the defendant also under a Treatment Order in terms of Article 412D of the Criminal Code for three (3) years from to-day, under the conditions imposed in the Treatment Order herewith annexed, which forms an integral part of this judgement.
17. The Court warned the defendant in simple language that if he commits another offence during the period of the Probation Order, or if he fails to abide by one of the conditions

stipulated in the said Orders, he can be condemned for the offences for which this Order was issued, and the defendant has expressed his will to abide by the conditions of this Order.

18. The Court orders that a copy of this judgement, including the Probation Order and the Treatment Order herewith annexed be sent to the Director of Probation Services and Parole.
19. In terms of Article 31(2) of the Restorative Justice Act (Chapter 516 of the Laws of Malta), the Court is referring the case to the Victim-Offender Mediation Committee to determine the suitability and eligibility or otherwise for the case to be referred to victim-offender mediation, and consequently orders that a copy of this judgement is sent to the said Committee.

**Magistrate**

**Doreen Pickard**

**Deputy Registrar**