



MALTA

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

**MAGISTRATE DR.
ABIGAIL LOFARO**

Sitting of the 21st May, 2004

Number. 393/2004

Police
(Inspector Joseph Mercieca)
VS
Kevin Purcell

The Court;

Having seen the indictment brought against the above mentioned defendant, by virtue of which he was charged with having on 19th May, 2004, at about 12.15hrs, along the Qawra Coast, limits of St Paul's Bay :

1. driven a jey ski with imprudence, negligence, in a dangerous manner, and / or through lack of skilfulness in his driving, or non-observance of the regulations, collided with boat registration No S – 14421, make Albatross, and caused damage and / or spoil to the detriment of Louis Tesi, David Tesi and Carrie Tesi and with causing slight injuries on the person of the same persons as well as

minor Liam Tesi, as certified by Dr J Cassar Delia M.D. of St Luke's Hospital.

2. Driven same jet ski at an excessive speed, exceeding ten (10) knots, less than two hundred metres away from Qawra shoreline (L.N. 129/2001);

Having heard accused plead guilty to the charges, warned him of his legal consequences and gave him adequate time to reconsider his position, however defendant again pleaded guilty;

Having seen Chapters 328 (d), 221 (1) of Chapter 9 and L.N. 129 of 2001 Section 25 and Section 78 of Chapter 352 finds accused to be guilty as charged;

The Court considers regarding punishment the fact that defendant has undertaken to compensate for the damages caused as a result of the accident and the Prosecuting Officer as well as the injured party declared that they have reached an agreement with defendant in writing in this regard and the fact that defendant registered a guilty plea. However, the Court also considered the fact that this accident could have had far more serious consequences, including loss of life, and therefore condemns defendant to the payment of a fine (multa) of five hundred Maltese Liri (LM 500).

< Final Judgement >

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