



MALTA

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

**MAGISTRATE DR.  
JACQUELINE PADOVANI**

Sitting of the 11 th February, 2005

Number. 17/2005

POLICE  
INSPECTOR MARIO TONNA  
VS  
PETER OHAKA

The Court,

Having seen the charges brought against the accused Peter Ohaka of 23 years born in Nigeria on the 31<sup>st</sup> December 1981, son of Litfidelis and Bernardette nee' Omneyewuenyi, residing at Flat 4, Dallis Flats, B'Kara Road, San Gwann holder of identity card number 21407A.

And accuse him that on the 8<sup>th</sup> January 2005 at St. Augustine Street, St. Julians within the area of Bay Street Complex at about 20.15hrs committed an offence against decency or morals in a public place or in a place exposed to the public as per section 209 of Chapter 9 of the Laws of Malta.

Informal Copy of Judgement

And also that on the same day, time and under the same circumstances attempted to Instigate, encouraged or facilitated for the defilement of minor of Gabrielle Sargent, as per section 41 and 203 of Chapter 9 of the Laws of Malta.

Having heard the evidence on oath.

Having heard the plea of guilt entered by the accused.

Having seen all the exhibited documents in the records of the proceedings.

Deliberates:

The evidence produced before the Court by the prosecution is to the effect that the accused on 8<sup>th</sup> January 2005 at 8.15pm exposed his private part in the middle of a crowded public place, that is, in Baystreet and started masturbating in public.

A ten year old girl brought this fact to her mother's notice and when the woman turned towards the accused and saw what he was up to, she took her child away from the scene and together with her husband, filed a Police report. The woman recognised the accused in Court as the same man who had exposed and played with himself.

Both parents assured the Court that their child was disgusted with matter but not defiled, since the entire matter was over in a few seconds.

The Court furthermore heard the plea of guilt entered by the accused.

Therefore, the Court finds the accused guilty of the first offence, not guilty of the second offence and acquits him and after having seen Art 209, Art 28A, Chapter 9 of the Laws of Malta, condemns the same to three months imprisonment suspended for two years under a suspended supervision order with the supervision of the probation

Informal Copy of Judgement

officer to be nominated by the Director of Probation Services.

The accused had also undertaken to attend a therapy with a clinical psychologist of his choice for a minimum period of one year, with at least two sessions per month to treat his condition.

The Court notes that the accused has already released the psychologist from professional secrecy to enable the probation officer to enquire and report for his attendance of the above mentioned sessions to the same Court.

**< Final Judgement >**

-----END-----