



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

**MAGISTRATE  
ANTONIO GIOVANNI VELLA**

Sitting of the 2<sup>nd</sup> February, 2006

Number 1114/2005

**THE POLICE  
INSPECTOR JESMOND BORG**

**VS**

**TESEMA BERHEA HABTOM**

**The Court;**

After having seen the charges brought against Tesema Berhea Habton aged 24 years, son of the late Tesema and Mulu nee' Gbrysuse, born in Eritrea on the 1<sup>st</sup> of January, 1981, and currently residing in premises number 51A, Old Hospital Strret, Valletta, holder of provisional ID card number 0031839 (A);

Accused of having on the night of the 23<sup>rd</sup> and the 24<sup>th</sup> November, 2005, at around 2.15am, whilst at the Marsa Open Centre for Illegal Immigrants, which is situated at

the Marsa Cross Road Street, corner with *Tat-Tromba* Street, Albert Town, assaulted or resisted by violence or active force, not amounting to public violence, PS 1594 Brian Caruana, who was lawfully charged with a public duty when in the execution of the Law or of a Lawful Order issued by a competent authority;

Also of having, on the same date, time, place and circumstances, disobeyed the Lawful Orders of any authority or of any person entrusted with a public service, or hindered or obstructed such person in the exercise of his duties;

And also of having on the same date, time, place and circumstances, whilst at the Marsa Open Centre for Illegal Immigrants, which is situated at the Marsa Cross Road Street, corner with *Tat-Tromba* Street, Albert Town, assaulted Police Sergeant 1594 Brian Caruana, Gunner 86414 Mario Brincat, and Gunner 85619 Renald Ellis, who were lawfully charged with a public duty when in the execution of the Law or of a Lawful Order issued by a competent authority;

And also of having on the same date, time, place and circumstances, escaped from police custody;

And also of having on the same date, time and circumstances, caused voluntary damages, that is by ripping part of the uniform worn by PS 1594 Brian Caruana, which damages do not exceed Lm10.00 (ten maltese liri), and to the detriment of the Government of Malta;

And also of having, on the same date, time and circumstances, whilst in Albert Town, Marsa, willfully disturbed the Police Good Order and Public Peace by outcries and fighting;

Furthermore of having on the same date, time and circumstances, whilst in Albert Town, Marsa, and in other parts of the maltese islands, been in a drunken state and

Informal Copy of Judgement

was incapable of taking care of himself in a public place or in a place which is open to the public.

After having seen Articles 96, 338, 339, 325 of Chapter 9 of the Laws of Malta.

After having heard the accused admit to the accusations and confirmed such admission after having been given due time to reconsider his position according to Law;

The Court therefore finds the accused guilty as charged, and condemns him to one (1) year imprisonment, suspended for two (2) years, according to Article 28A of Chapter 9 of the Laws of Malta.

**< Final Judgement >**

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