



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

**MAGISTRATE
DOREEN CLARKE**

Sitting of the 19th February, 2008

Number. 130/2008

The Police
(Inspector Nezren Grixti)

-VS-

Marius Costel Spulber
Mercia Gabriel Bolea
Sava Marcel Borcea
Vasile Bulgaru

Today the 19th February 2008,

The Court,

Having seen the charges brought against Marius Costel Spulber, 23 years of age, Romanian nationality, son of Tatanu & Elena, born at Yasi, Romania on the 6th August, 1984 and resident in St. Paul's House, Misrah il- Bahrija, l/o Bahrija, holder of identity card number 39141A.

Mercia Gabriel Bolea, 20 years of age, Romanian nationality, son of Octavian Zanzir & Elena nee` Mitu, born at Bukarist on the 14th May 1987, resident in Romania Bld 1, December 1918, number 35, BL.L14, Sc.3 ap.131, Romania, or in Malta, 23 Kola Xara, Rabat, holder of Romanian identity card number RX.174462 issued on the 20th of May, 2003 valid until the 14th May 2013.

Sava Marcel Borcea, 35 years of age, Romanian nationality, son of Stefan & Ludovika, born at Vaslou on the 27th July, 1972, resident in Malta at Micsons Flats, Flat 1, Blk B, Triq Fejgel, Rabat, holder of identity card number 36408M

&

Vasile Bulgaru, 32 years of age, Romanian nationality, son of Yosef & Todorizza, born at Galatz, Romania on the 23rd August 1975, resident at 16, Flat3, Triq il- Kbirra, Rabat, holder of identity card number 43371A.

And charged accordingly:

Marius Costel Spulber & Mercia Gabriel Bolea on their own with having on the 17th February, 2008 on these islands at about 17:00hrs without the intent to kill or to put the life of any person in manifest jeopardy, caused harm to the body or health of Sava Marcel Borcea or caused said person a mental derangement or bodily harm that is deemed to be grievous as certified by Dr. Andrew Schrio MD from Mater Dei Hospital and this in terms of section 216(1)(b) of Chapter 9 of the Laws of Malta;

The prosecution also charged all subjects together namely Marius Costel Spulber, Mercia Gabriel Bolea, Sava Marcel Borcea & Vasile Bulgaru

For having at the same time, place and circumstances wilfully committed any spoil, damage or injury to or upon any movable or immovable property that is inside 'La Piazza Restaurant', St. Rita Street, Rabat to the detriment

of its owner, which such damage exceeds the sum of 116.47 Euros (LM50) but does not exceed the sum of 1164.69 Euros (LM500) and this in terms of sections 325(1)(b) of Chapter 9 of the Laws of Malta;

Furthermore, they are also charged for having at the same time, place and circumstances of having, with the object of destroying or damaging the reputation of any person, have offended such person by words, gestures, or by writing or drawing, or in any other manner and this in terms of section 252(1) of Chapter 9 of the Laws of Malta;

Furthermore they are also charged with having at the same time, place and circumstances of having even though in a state of intoxication, publicly uttered any obscene or indecent words, or made obscene acts or gestures, or in any other manner not otherwise provided for in this code, offences against public morality, propriety or decency and this in terms of section 338(bb) and 342 of Chapter 9 of the Laws of Malta;

Furthermore, they are also charged for having at the same time, place and circumstances having in any manner not otherwise provided for in this Code, wilfully disturbing the public good order or the public peace and this in terms of section 338(dd) of Chapter 9 of the Laws of Malta;

Furthermore, they are charged with having on the same time, place and circumstances having used force against any person with the intent to insult, annoy or hurt such person others, unless the fact constitutes some other offence under any other provision of this code and this in terms of section 339(1)(d) of Chapter 9 of the Laws of Malta;

Furthermore they are also charged with having at the same time, place and circumstances uttered insults or threats not otherwise provided for in this code, or were provoked, carries his insult beyond the limited warranted by the provocation code and this in terms of section 339(1)(e) of Chapter 9 of the Laws of Malta;

Having seen sections 216(1)(b), 252(1), 325(1)(b), 338(bb)(dd), 339(1)(d)(e) and 342 of Chapter 9 of the Laws of Malta.

Having seen the consent of the Attorney General for this case to be heard summarily and having heard the defendants declare that they have no objection to their case being so heard.

Having heard the accused plead guilty to all charges, notwithstanding the fact that the Court warned them of the consequences of their plea and having afforded to them sufficient time within which to withdraw their guilty plea.

Having seen the acts of the proceedings.

Having heard the oral submissions made by the parties.

Considered:

That the accused replied guilty to the charges brought against them consequently the charges are sufficiently proved.

That the accused co-operated with the competent authorities in their investigation and admitted the charges brought against them in the initial stages of the procedures.

That the accused have offered to make good for any damages caused and have in fact already paid the injured party Ronnie Azzopardi part of the amount due to him.

That each of the accused have forgiven the others for any offences committed in their regard.

For these reasons

After having seen sections 216(1)(b), 252(1), 325(1)(b), 338(bb)(dd), 339(1)(d)(e) and 342 of Chapter 9 of the

Laws of Malta, on their admission, finds the accused **Marius Costel Spluber** and **Mercia Gabriel Bolea** guilty of the charges brought against them and condemns them to imprisonment for a term of three (3) months which term by application of section 28A of Chapter 9 of the Laws of Malta is being suspended for a period of one (1) year. Further more by application of section 28H of Chapter 9 of the Laws of Malta orders each of the accused to pay, within two (2) weeks the sum of seventy five Euro (Euro 75) to the injured party Ronnie Azzopardi. The Court also orders each of the accused not to approach or in any way molest the said Franco Azzopardi and members of his family and not to accede to the residence of Ronnie Azzopardi as well as La Piazza restaurant in Rabat Malta, the Crown Hotel in Bugibba and the Windsor Hotel in Sliema.

The Court explained to the guilty parties **Marius Costel Spluber** and **Mercia Gabriel Bolea** in ordinary language their liability under section 28B if during the operational period of one year they commit an other offence punishable with imprisonment as well as their liability under section 28H if they fail to comply with the abovementioned orders.

After having seen sections 252(1), 325(1)(b), 338(bb)(dd), 339(1)(d)(e) and 342 of Chapter 9 of the Laws of Malta, on their admission, finds the accused **Sava Marcel Borcea** and **Vasile Bulgaru** guilty of the charges brought against them and by application of section 22 of Chapter 446 of the Laws of Malta discharges them on condition that they do not commit an other offence within a period of one (1) year and on condition that they each pay, within two (2) weeks, the injured party Ronnie Azzopardi the sum of seventy five Euros (Euros 75) and on condition also that they do not approach or in any way molest the said Ronnie Azzopardi and members of his family and that they do not accede to the residence of Franco Azzopardi as well as La Piazza restaurant in Rabat Malta, the Crown Hotel in Bugibba and the Windsor Hotel in Sliema.

Informal Copy of Judgement

The Court explained to the guilty parties in ordinary language that if they commit an other offence during the period of one year or if they fail to comply with the abovementioned orders they will be liable to be sentenced for the original offences.

< Final Judgement >

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