



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

**MAGISTRATE DR.
ANTHONY ELLUL**

Sitting of the 24th October, 2009

Number. 82/2009

**The Police
(Inspector Frank Tabone)**

Vs

**Dmitrii Palmits, 22 years, son of Valera and Tamara
born in Haapsalv, Estonia**

Vs

**Aleksandr Prokoptsuk, 23 years, son of Mihail and
Tamara nee Himach, born in Haapsalv, Estonia.**

Today, Saturday 24th October 2009.

The Court,

Having seen the charges brought against Dmitrii Palmits
and Aleksandr Prokoptsuk that on the night between the

22nd and 23rd October 2009 at about 3.30 hrs, in Marslafora limits of Zebbug, Gozo:

(a) without the intent to kill or to put the life of any person in manifest jeopardy, caused grievous injuries to the person of Samuel Xerri (ID 15392G).

(b) and for having on the same date, time and circumstances without the intent to kill or to put the life of any person in manifest jeopardy, caused slight injuries to the person of Samuel Xerri (ID No. 15392G) as certified by Dr J. Galea MD reg. No. 2682.

(c) and for having on the same date, time and circumstances insulted and/or threatened the person of Samuel Xerri (ID 15392G).

(d) And for having on the same date, time and circumstances wilfully disturbed the public good order or the public peace.

(e) And for having on the same date, time and circumstances wilfully caused damage to the person or property of Samuel Xerri (ID 15392G) which damage exceeds the sum of one hundred and sixteen euro and forty seven cents (€116.47).

Having considered that the Prosecution renounced to charges (a), (b) and (e) in respect of Aleksandr Prokoptsku.

Having heard the accused plead guilty to the charges, and that notwithstanding that they were given the opportunity to withdraw the plea they confirmed that they are guilty as charged.

As regards to the convictions considered that the accused:-

- Apologized for their acts;
- Dmitri Palmitis declared that he will be paying for the damage caused within one (1) month from today;
- Do not have a criminal record;
- Dmitri Palmitis co-operated with the police;
- Filed a guilty plea;

Having seen Articles 28A, 31, 214, 216, 221, 338(dd), 339 of the Criminal Code (Chapter 9 of the Laws of Malta) and Article 22 of the Probation Act (Chapter 446 of the Laws of Malta) finds:-

1. **Dmitri Palmitis** guilty of all charges (a,b,c,d and e), condemns him to four (4) months imprisonment suspended for a period of three (3) years.
2. **Aleksandr Prokoptsku** guilty of all charges (c and d), however conditionally discharges him for a period of two (2) years.

The Court having seen Article 28H of the Criminal Code orders the accused Dmitri Palmitis to pay Samuel Xerri the sum of one thousand euro (€1,000) within thirty (30) days from today.

The Court explained to the accused the consequences according to law if they commit another crime during the operative period of this judgment.

< Final Judgement >

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