



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

**MAGISTRATE DR.
GABRIELLA VELLA**

Sitting of the 10 th December, 2009

Number 1294/2009

Police
(Inspector Kevin J. Farrugia)

Vs.

Waldamar Wiezik

The Court,

Having seen the charges brought against Waldamar Wiezik, known as Waldemar Wiezik, son of Roman and Vanda neè Buk, aged fifty (50) years, born in Rzeszoki, Poland on the 20th July 1959, having no fixed residential address and holding passport number BM 99433250, that on the 8th December 2009 at about 12:00hours in the Coast Road of Bahar ic-Caghaq and in other places on these Islands:

1. Through imprudence, negligence and unskilfulness in his art, or profession, and non observance of the Motor

Vehicle Regulations collided in motor cycle ABS 134 with vehicle GLI 002 and caused involuntarily damages to the detriment of Kurt Caruana, Thomas Camenzuli, Goldline Int. Trades Ltd., and other third parties, moreover in the same accident caused involuntarily injuries of grievous nature on the person of Kurt Caruana, as certified by Dr. A. Caruana M.D. of Mater Dei Hospital;

2. Moreover driven vehicle of Reg. No. GLI 002 in a dangerous manner;

3. When involved in a traffic accident with another vehicle (motor cycle) ABS 134 he failed to stop and when required failed to give his particulars and details of motor vehicle and/or he failed to report this accident to the police or local wardens.

The Court was humbly requested by the Prosecuting Officer to disqualify the accused from holding or obtaining any driving licenses for a period of time that this Court deems suitable.

Having heard the evidence, including the testimony given by Kurt Caruana during the sitting held on the 9th December 2009, and examined all documents forming part of the proceedings;

Having heard the accused plead guilty to all the charges brought against him, notwithstanding the fact that the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him in the most solemn manner of the legal consequences of his guilty plea after having given him sufficient time within which to reconsider and withdraw his guilty plea;

Having heard the admission of the accused to all the charges brought against him, the Court has no alternative but to find him guilty of all the said charges;

After having seen and considered Section 226 and Section 328 of Chapter 9 of the Laws of Malta, Section 15(1) and (2) of Chapter 65 of the Laws of Malta,

Regulation 67 of the Motor Vehicles Regulations, Subsidiary Legislation 65.11, and Section 55(1) of Chapter 65 of the Laws of Malta, finds the accused guilty of all charges brought against him.

With regards to the punishment the Court took into consideration the fact that the accused has a clean criminal record, that he co-operated fully with the Prosecuting Officer throughout the investigation and that he submitted a guilty plea at an early stage of the proceedings. The Court also took into account the fact that the accused apologized for causing the traffic accident which occurred on the 8th December 2009 in the Coast Road, Bahar ic-Caghaq, and for involuntarily causing damages to the detriment of Kurt Caruana, Thomas Camenzuli and Goldine Int. Trades Ltd. and other third parties and for causing injuries of a grievous nature on the person of Kurt Caruana and that the accused did stop when the traffic accident occurred but inexplicably failed to report the said traffic accident to the police or local wardens.

In the circumstances the Court does not deem imprisonment to be a fit punishment for the crime.

Therefore the Court, whilst condemning the accused to six (6) months imprisonment, after having considered Section 28A of Chapter 9 of the Laws of Malta suspends said term of imprisonment for a period of four (4) years from today.

In terms of Section 28A(4) of Chapter 9 of the Laws of Malta the Court has explained to the accused in plain language his liability under Section 28B of Chapter 9 of the Laws of Malta if during the operational period he commits an offence punishable with imprisonment.

In so far as concerns the request to this Court by the Prosecuting Officer to disqualify the accused from holding or obtaining any driving licenses for a period of time that this Court deems suitable, after having considered Section 15(2) of Chapter 65 of the Laws of Malta the Court disqualifies the accused from holding or obtaining

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any driving licenses for a period of three (3) months from today.

The Court after having seen Sections 392A and 401(3) of Chapter 9 of the Laws of Malta orders that the acts of these proceedings together with a copy of this judgement be transmitted to the Attorney General within the period of time stipulated by law.

< Final Judgement >

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