



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

**MAGISTRATE DR.  
EDWINA GRIMA**

Sitting of the 16 th March, 2011

Number. 320/2011

**The Police  
(Inspector Anthony Portelli)  
(Inspector Bernard Charles Spiteri)**

**vs**

**Simon Aydelman, 48 years, son of Isaak and Anna  
nee` Milshtein, born in Russia on the 02.03.1962 and  
residing at no. 27, 'Jonais', Sir Hannibal P. Scicluna  
Street, Naxxar, holder of ID Card No. 46358A**

The Court,

Having seen the charges brought against accused Simon Aydelman who was accused that whilst at Naxxar, on the 19<sup>th</sup> February 2011, at about 8.45pm, whilst inside Naxxar Lions Football Club, situated in Victory Square, Naxxar, without a lawful order from the competent authorities, and saving the cases where the law authorizes private individuals to apprehend offenders, made use of a fire-

arm and arrested, detained or confined a number of persons against their will;

for having, on the same date, place, time and circumstances, used violence to unduly influence several persons including PC473 Martin Gerald Gatt and WPC100 Lorraine Mifsud, who are persons lawfully charged with a public duty whilst in the discharge of their duty;

for having, on the same date, place, time and circumstances, inside Naxxar Lions Football Club, situated in Victory Square, Naxxar discharged a pistol make Browning bearing serial no. 395RR2407 in an inhabited place;

for having on the 19<sup>th</sup> February, 2011, at about 7.45pm, and in the previous months, and after this date, in Naxxar and other localities in these Islands, kept in any premises or had in his possession, or had in his control or carried outside a premises, the mentioned fire-arm and ammunition, as enlisted in Schedule I of Chapter 480 (Arms Act) without having a licence as indicated in the same Act;

for having on the 19<sup>th</sup> February 2011 and in the previous months, knowingly received or purchased any property which had been stolen, misapplied or obtained by means of any offence, whether committed in Malta or abroad, or knowingly took part, in any manner whatsoever, in the sale or disposal of the same, whereby he knowingly received the mentioned fire-arm make Browning with serial no. 395RR2407, which fire-arm is the property of Victor Micallef and/or other persons, which fire-arm was reported stolen amongst other items on the 7<sup>th</sup> September 2003, from inside premises no. 46, 'Arcadia', Triq il-Kwartin, Swieqi.

Having seen documents exhibited;

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Having heard accused admit to the charges brought against him which admission of guilt was reaffirmed after the Court gave him adequate time to reconsiders same;

Having heard submissions regarding the punishment to be inflicted;

Considers;

That in view of the admission of guilt the Court finds the accused guilty as charged.

That in considering the punishment to be inflicted, the Court is taking into consideration the early guilty plea filed by the accused and his clean conviction record. Also it results from the acts of the case that the accused needs help to overcome his personal problems and the Court deems it necessary that the accused be supervised by professional people to help him overcome the same. That it results from the acts of the case that the weapon used for the commission of this crime had been stolen not by accused but by third parties and that this weapon belongs to a certain Victor Micallef. The Court will order the return of the same to the rightful owner of the weapon (Dok CA1).

Consequently the Court after having see article 86, 251B, 334, 279, 17h and 23(1) of Chapter 9 of the Laws of Malta and Section 5(1) of Chapter 480 of the Laws of Malta finds accused guilty as charged and condemns him to a period of two (2) years imprisonment which term of imprisonment after having seen Section 28A of Chapter 9 of the Laws of Malta is being suspended for four (4) years from today. Also after having seen Section 28G of Chapter 4 orders that a Supervision Order be issued in favour of accused under the supervision of Probation Officer Matthew Fleri Soler and this also for a period of four (4) years from today.

The Court warns the accused of the consequences according to law should he commit another crime during the period of this sentence.

Informal Copy of Judgement

The Court after having seen Section 533 of Chapter 9 of the Laws of Malta orders the accused to pay to the Registrar of Courts the sum of €323.84 being expences relating to the Court experts appointed in the Magisterial Inquiry.

Finally the Court orders the release of Dok CA1 in favour of Victor Micallef and the release of all personal items seized belonging to the accused, in favour of said accused and finally the Court orders that Dok CA2 and CA3 and CA4 be seized in favour of the Government of Malta.

The Court orders that a copy of the acts and the proceedings together with a copy of the sentence be notified to the Attorney General as laid down by law.

**< Final Judgement >**

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