



**In the Court of Magistrates (Malta)
As Court of Criminal Judicature**

*Magistrate
Dr. Noel Cuschieri LL.D., Mag.Jur. (Euro. Law)*

Kump: 172/02

The Police
Inspector Martin Sammut
Inspector Sandro Zarb
vs
Thomas Breuer

Today the 4th day of March 2002

The Court,

Having seen the records of the proceedings;

Having heard the submissions of the parties;

Having considered,

That the charges brought against the accused are based on the crimes of *Vilification of Public Officer and Bodily harm; Attack and /or Resistance of police officers; Willful Damage, as well as contraventions contemplated in section 338 chapter 9.*

The accused pleaded guilty as charged, and therefore the charges brought against him are considered to have been satisfactorily proven according to law. Regarding punishment, the Court has taken into account the fact that the accused was in an agitated state at the time of commission.

In view of the gravity of the charges, the Court is of the opinion that the imposition of a prison sentence is appropriate; however in view of the circumstances it deems it fit to suspend this punishment in terms of section 28A of Chapter 9.

On the strength of the above the Court finds the accused guilty as charged and - after having seen Articles 17, 95, 96, 338 (bb) (dd) (ee) (ff), and Article 325 of Chapter 9 – condemns the accused to a ***Penalty of one year imprisonment suspended for two years*** in terms of section 28A of Chapter 9.

The Court has explained to the accused in ordinary and clear language the legal significance of the above section of the Law.

Finally the Court declares the accused to be a prohibited immigrant according to law and orders his removal from this Island in terms of Sections 5 and 15 of Chapter 217.

*Dr.Noel Cuschieri
Magistrat*

True Copy

*Bruno Zahra
Deputy Registrar*