



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

**MAGISTRATE DR.
CLAIRE-LOUISE STAFRACE**

Sitting of the 17 th September, 2012

Number. 585/2012

**The Police
[Inspector Josric Mifsud]**

vs

Simon Aydelman

The Court,

Having seen that the accused Simon Aydelman holder of Maltese Identity card number 46358A.

Was charged with having on these islands on the night of the 1st June, 2012, and preceding month, in violation of the same dispositions of the law committed in pursuance of the same design, in Sir Hannibal P Scicluna Street, Naxxar,

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a) for having pursued in the course of conduct which he knew or ought to know that amounted to haresment to Eva Aydelman in breach of Section 251A of Chapter 9 of the Laws of Malta;

b) for having on the same dates, time, place and circumstances with his course of conduct caused his wife Eva Aydelman fear of violence against her and that of her minor son Isaac Aydelman and against the property of the same Eva Aydelman, in breach of article 251B of the Laws of Malta;

c) for having on the 1st June, 2012 under the same circumstances between 19:30hrs and 22:00hrs outside the residence of Eva Aydelman, 27, Jonais, Sir Hannibal P. Scicluna Street, Naxxar, used violence in order to compel Eva Aydelman to give him money and this in breach of Article 251, Chapter 9 of the Laws of Malta;

d) for having on the 1st June 2012 and the previous days uttered insults and death threats to his wife Eva Aydelman, including via telephone communication and this to violation of Article 339(1)(e) of Chapter 9 of the Laws of Malta;

e) for having on the same date, time, place and circumstances wilfully at night disturbed the public good order or the public peace; in breach of Section 338dd of Chapter 9 of the Laws of Malta.

Also for having on the 1st June, 2012 at around ten o'clock at night in Victoria Square, Naxxar:

f) even though in a state of intoxication, publicly uttered obsence or indecent words, or made obscene acts or gestures, or in any other manner not otherwise provided for in this Code, offended against public morality, propriety or decency, in breach of Section 338bb of the Laws of Malta;

g) for having on the same date, time, place and circumstances was found drunk and incapable of taking

care of himself; or in any public place or place open to the public, in breach of Section 338ff of the Laws of Malta;

h) for becoming a recidivist in terms of articles 49 and 50, of Chapter 9 of the Laws of Malta, after being found guilty with various sentences, issued by the Courts of Malta, which sentences are final and cannot be altered;

i) moreover for having committed another offence while in the operational period of a suspended sentence with supervision order imposed upon him by virtue of a judgement delivered by the Court of Magistrates (Malta) as a Court of Criminal Judicature in the names Police vs Simon Aydelman of the 16th March 2011 per Magistrate Edwina Grima LLD.

After seeing the request to issue a protection order, including a protection order in the pendency of the proceedings against Simon Aydelman, in favour of Eva Aydelman and her children Isaac Aydelman and Roxanne Aydelman in terms of Article 412C of the Criminal Code, Chapter 9 of the Laws of Malta, and a treatment order against Simon Aydelman in a hospital or mental institution owing to Post Traumatic Stress Disorder [PTSD] that Simon Aydelman suffers from, in terms of Article 412D of Chapter 9 of the Laws of Malta and Article 7 (5) of Chapter 446 of the Laws of Malta;

After hearing a guilty plea by the accused to the charges brought against him and the confirmation of such plea after being given the opportunity to reconsider his plea;

After heard probation officer Matthew Fleri Soler.

After hearing evidence of accused's wife that she withdrew charges brought against the accused.

Therefore, after seen Articles 251A, 251B, 339(1)(e), 338dd, 338bb, 338ff, 49, 50 and 142D of the Criminal Code and Article 7(5) of Chapter 446 of the Laws of Malta finds accused Simon Aydelman guilty only of charges (e) – (i) and instead of condemning him to a punishment

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orders him to under go a probation period of one (1) year. As regards charge (i) orders that the suspended period of the sentence will commence again from today. For the rest, it is being held that charges a – d were renounced to by the wife according to her evidence and therefore finds him not guilty of the said.

Finally, explained in simple words the repercussions if such order is not abided with, and orders that a copy of the Probation Order attached with this judgment should be notified to the Director of Probation Services.

< Final Judgement >

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