

EXTRACT FROM THE MINUTES OF THE  
ADMINISTRATION-REGISTRY OF THE  
FIRST INSTANCE COURT  
OF TOULOUSE  
FIRST INSTANCE COURT  
OF TOULOUSE

5<sup>th</sup> chamber

Prosecution number: 93117894

Judgment number: 123/94

At the public hearing on Tuesday January 25, 1994 at 8:30 am held in relation to the matter before the Magistrate by Mister LAMANT, Vice President, Mister DUCASSE, Vice President, Mister GARRIGUES, Judge, assisted by Mr. DERVIEUX, head registrar, and MR. MOULIS, primary substitute for the state prosecutor, was called the matter between

THE PROSECUTION

ON THE ONE HAND

AND

Mister Omar MOUSSAOUI - born in 1937 in AIRFOUD – MAROCCO, son of Metiedi and of Husala /illegible/ HADJ, residing at 17 rue Heliot, 31000 TOULOUSE, contractor, divorced, of Moroccan nationality, already convicted, free;

Not present;

Accused of:

Voluntary violence followed by an incapacity of more than 8 days;  
Destruction or serious damage to property belonging to others;

ON THE OTHER HAND,

As the case was called, the President noticed the absence of Mister MOUSSAOUI Omar, accused, and read the act before the court;

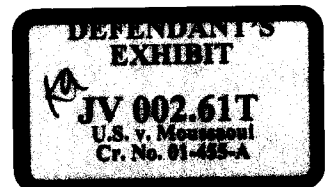
The prosecutor's demands were heard.

The Registrar noted the sequence of the hearings;

After having deliberated in compliance with the law, the court ruled as follows:

THE COURT,

Whereas Mister Omar MOUSSAOUI was notified by the Toulouse Police Station of the instructions of the State Prosecutor within the timeframe provided for in article 352 of the penal code, of a summons to the hearing of January 25, 1994; that, in accordance with article 390-1 of the penal code, said summons is equivalent to a hand delivered subpoena



Whereas the accused did not appear;  
That there is a need to rule by contradictory judgment on a notification in application of articles 410 and 498 of the Penal code;

Whereas he has been accused of having, in Toulouse, on December 7, 1993, voluntarily hit, or committed acts of violence or assaults that lead to illness or total incapacity to work for more than 8 days, in this case 10 days against Jean-Paul COCHER,

an infraction addressed and repressed by article 309 al. 1, 313, 315, 44 al.4 4', 309 al.4, 42, 52-1 of the Penal Code;

of having in TOULOUSE, on December 7, 1993, voluntarily destroyed or damaged a tangible or intangible asset, in this case, tables, cups and saucers belonging to Roger SELEM;

an infraction addressed and repressed by article 434 al.1 of the Penal Code;

Whereas it results from the elements of the file and the hearings that the facts have been established against the accused as far as the voluntary assault and battery charges are concerned there is cause however to enter a discharge as far as the offence of destruction of property is concerned, as the voluntary character of the facts have not been established.

Considering the legal precedents of the accused, a jail sentence with no remission will be pronounced against the accused

#### ON THESE GROUNDS

Ruling publicly and in the first resort,

Contradictorily with respect to Mister MOUSSAOUI Omar;  
He must be notified of this judgment;

Discharges Mister MOUSSAOUI Omar of the voluntary destruction of goods and property,

Declares Mister MOUASSOUI Omar guilty of voluntary assault and battery

Sentences MOUSSAOUI Omar to FOUR MONTHS in prison;

This decision is subject to a fixed processing fee in the amount of 600 francs for which every convicted prisoner is liable;

All in application of articles 406 and following and 485 of the Penal Code and the following texts.

This judgment being signed by the President and the Registrar

The Registrar

CERTIFIED COPY

The President

THE REGISTRAR  
/signature/  
/stamp -- illegible/