



**Qorti tal-Magistrati (Malta)
Bhala Qorti ta' Gudikatura Kriminali**

Magistrat Dr. Doreen Clarke LL.D.

Today the 29th August 2016

**The Police
(Inspector Robert Said Sarreo)**

vs

Xiao Guan

Case No: 854/2015

The Court

Having seen the charges brought against the accused Xiao Guan, holder of Chinese passport number E09591649:

Charged with having

1. On the 18th October 2015 in the evening, in Triq Patri Felicjan Bilocca Marsa, used violence in order to compel another person, that is Haishan Wu and/or any other person, to do, suffer or omit to do anything.
2. And with having on the same day, place, time and circumstances caused other persons, that is Pengcheng Zhang, Haishan Wu or any other person, fear that violence will be used against them or their property or against the person or property of any of their ascendants,

descendants, brothers or sisters or any person mentioned in article 222(1) of Chapter 9 of the Laws of Malta.

3. And with having on the same day, place, time and circumstances carried outside any premises or appurtenance thereof, a knife or cutting or pointed instrument of any description without a licence or permit from the Commissioner.
4. And with having on the same day, place, time and circumstances without inflicting any wound or blow, threatened others with stones or other hard substances, or thrown the same, or taken up any other weapon against any person.
5. And with having on the same day, place, time and circumstances wilfully disturbed the public good order or the public peace.

The Court was requested to apply sections 383, 384 and 385 of Chapter 9 of the Laws of Malta for the security of the above mentioned persons.

The Court was also requested to issue a protection order in terms of section 412C of Chapter 9 of the Laws of Malta for the safety of Pengcheng Zhang and Haishan Wu.

The Court was also requested to order the accused to pay any costs incurred in the employment of any expert and/or referee in terms of section 533 of Chapter 9 of the Laws of Malta.

Having seen the consent of the Attorney General for this case to be tried summarily and that the defendant had no objection to the case being so tried.

Having heard the evidence produced by the prosecution.

Having seen that the defendant admitted the charges brought against him and that he confirmed this admission of guilt even after having been given time to reconsider his plea.

Having heard submissions regarding the penalty to be meted out.

Having seen the acts of the proceedings.

Having considered

The defendant admitted the charges brought against him; these are consequently sufficiently proven.

With regards the penalty to be meted out the Court took into consideration on the one hand the nature of the offences of which the defendant is being found guilty and on the other hand his cooperation with the police and his clean conviction sheet.

Wherefore the Court, after having seen sections 251(1)(3), 338(dd) and 339(1)(b) of Chapter 9 of the Laws of Malta and section 6 of Chapter 480 of the Laws of Malta, on his admission finds defendant guilty of the charges brought against him and condemns him to **one year imprisonment** and to **a fine of one hundred and sixteen Euros and forty seven cents (€116.47)**. Furthermore and by application of sections 56 and 57 of Chapter 480 of the Laws of Malta the Court is ordering the **forfeiture of the knife** exhibited as Document RSS8 and is **prohibiting the defendant from holding or obtaining any licence under the said Chapter 480 for a period of five (5) years**. In conclusion and by application of section 533 of the said Chapter 9 the defendant is being condemned to **pay the Registrar of this Court the sum of three hundred nintey three Euros and thirty two cents (€393.32)** representing costs incurred in the employment of experts.

DR. DOREEN CLARKE
MAGISTRAT