



**Court of Magistrates (Malta)
As a Court of Criminal Judicature**

Magistrate Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)

**The Police
(Inspector Trevor Micallef)**

-vs-

Justin West, holder of identity card no. 74893A

Criminal Inquiry No: 548/2015

Today, the 4th day of December, 2017

The Court,

Having seen the charges brought against the accused **Justin West** for having:

On these islands on the 29th June, 2015 at about half past eight in the morning (08.30a.m) inside Clique which is situated in St. George`s Road, St. Julians and later on in St. George`s Road, St. Julians and/or in the vicinity:-

1. Without the intent to kill or to put the life in manifest jeopardy, caused harm to the body of Mark Allison (Art. 216, 218 Chapter 9 of the Laws of Malta);
2. on the same date, time, place and circumstances caused Mark Allison fear that violence will be used against him or his property;

3. on the same date, time, place and circumstances uttered insulting or threatening words towards Mark Allison;
4. on the same date, time, place and circumstances voluntarily disturbed the public good order and peace ;

The court is kindly requested that if the accused are found guilty to provide for the safety of Mark Allison.

Having seen the Prosecution withdraw the second offence with which the accused stands charged in view of the fact that there was no course of conduct and thus this offence cannot result;

Having heard the accused plead guilty to the remaining charges brought against him notwithstanding the fact that the Court warned him in the most solemn manner of the legal consequences of his guilty plea, after having given him sufficient time within which to reconsider and withdraw his guilty plea;

Having heard witnesses.

Having seen all the acts and documents exhibited;

Having heard the prosecution and defence counsel make their submissions;

Considers:

Having heard the guilty plea of the accused to the other charges brought against him, the Court has no alternative but to declare the accused guilty of the said charges.

With regards to punishment the Court took into consideration the accused's admission and his acknowledgement of the error of his ways, the nature of the offences with which he stands charged, his criminal record where albeit he can be legally considered as a recidivist under article 50 of the Criminal Code, the prosecution chose not to attribute the charge of recidivism to the accused in these proceedings and all the circumstances of the case.

For the said reasons, the Court, after having seen articles 17, 31, 216, 218, 338(dd) and 339(1)(e) of the Criminal Code, upon his admission, finds

the accused guilty of the charges brought against him and by application of article 22 of Chapter 446 of the Laws of Malta, discharges him on condition that he does not commit another offence within thirty (30) months.

Orders the Registrar of Courts to ensure that, in terms of Article 23 of the Criminal Code, the objects exhibited in these proceedings be confiscated.

The Court explained to the accused, in ordinary language, the consequences should he chose to commit another offence within the operative period of thirty (30) months.

Finally, after having seen that on the 21st November, 2017, the court appointed experts who have not yet presented their reports, thereby precluding the court from applying the provisions of Article 533 of the Criminal Code, orders the accused to the payment of the costs incurred in connection with the employment in these proceedings of any expert once these are determined by the Registrar in terms of Article 392C and 533 of the Criminal Code.

Orders that the records of these proceedings be transmitted to the Attorney General within six working days.

**Dr Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law).
Magistrate**