

In the Court of Magistrates (Malta)
as a Court of Criminal Judicature Magistrate
Dr Nadine Lia; B.A., LLM(Kent); LL.D (melit)

The Police

(Inspector Joseph Xerri)

vs

Jordan Leli Brown

And

Josh Ronnie Edward Ahmed-Sone

The court after seeing the charges
in respect of

Jordan Leli Brown 27 years of age, son of Emmanuel and Karen nee' Brown born in Luton, United Kingdom, on the 22/11/1991 and residing in Room 714, B Hotel, Triq Santu Wistin, San Ġiljan, holder of the British passport with number 561086646

and

Josh Ronnie Edward Ahmed-Sone 25 years of age, son of Stephen and Aysha nee' Overington born in Northampton, in the United Kingdom, on the 29/12/1993 and residing in Room 714, B Hotel, Triq Santu Wistin, San Ġiljan, holder of the British passport with number 517426236

where they were accused or having on the 13th May, 2019, at around twenty minutes past midnight (0020hrs) and twenty minutes to one in the morning (0040hrs), in Triq Santu Wistin, San Ġiljan:

1. Without the intent to kill or to put the life of Roxanne Micallef in manifest jeopardy, caused harm to the body or health of Roxanne Micallef, which harm was of a slight nature;
2. Attempted to use force against Justin Micallef and Roxanne Micallef with the intent to insult, annoy or hurt him;
3. Uttered insults or threats towards Justin Micallef and Roxanne Micallef, or while being provoked, carried their insult beyond the limit warranted by the provocation;

4. At night time, disturbed the repose of the inhabitants by rowdiness or bawling, or in any other manner;
5. Wilfully disturbed the public good order or the public peace;
6. In any public place or place open to the public, was found drunk and incapable of taking care of themselves;

Where the accused Jordan Leli Brown on his own for having on the same date, time, place and circumstances:

7. Without the intent to kill or to put the life of Justin Micallef in manifest jeopardy, caused harm to his body or health, which bodily harm is considered grievous;
8. Wilfully committed spoil, damage or injury to or upon any movable or immovable property belonging to the Baystreet Complex in St. Julian's, which damage does not exceed two thousand and five hundred euro (2,500) but exceeds two hundred and fifty euro (250);
9. Without inflicting any wound or blow, threatened Roxanne Micallef with stones or other hard substances, or threw the same, or took up any other weapon against Roxana Micallef;

Also accused Jordan Leli Brown on his own for having on the 13th May, 2019 inside the St. Julian's Police station:

10. Reviled, or threatened, or caused a bodily harm to PS 850 Steven-Ryan Micallef, PC 803 Andrew Pullicino and PC 78 Luke Grima, persons lawfully charged with a public duty, while in the act of discharging his duty or because of his having discharged such duty, or with intent to intimidate or unduly influence them in the discharge of such duty;
11. Attempted to induce two Public Officers, PC 803 Andrew Pullicino and PC 78 Luke Grima, to forbear from doing what they are in duty bound to do, and manifested such intent by overt acts by offering them money, which crime was not completed in consequence of some accidental cause independent of his will;

This honourable Court was kindly asked to issue a Protection Order against the accused to provide for the security of Justin Micallef and Roxanne Micallef, or for the keeping of public peace or for the purpose of protecting the injured party or other individuals from harassment or other conduct which will cause a fear of violence in terms of Article 412C of Chapter 9 of the Laws of Malta.

The Court was also requested to apply Section 533(1) of Chapter 9 of the Laws of Malta, as regards to the expenses incurred by the Court appointed Experts.

Having seen that on the 8th May 2019 the Prosecuting Officer read and confirmed the charges on oath;

Having seen that during the examination of the accused in terms of Article 390 and 392 of the Criminal Code that both the accused, in reply to the question posed in terms of Article 392(1)(b) of the Criminal Code by the Court declared that they were not guilty;

Having seen that during the sitting of the 5th June 2019 the prosecuting officer withdrew the tenth (10th) and the eleventh (11th) charges;

Having seen the declaration by the Prosecuting Officer and the parte civile that the injury sustained by Justin Micallef fell under the definition of a grievous injury as described in article 216(1)(b) of the Criminal Code, Chapter 9, Laws of Mata;

Having seen that the accused Jordan Leli Brown had settled all costs and expenses with Baystreet Complex in St. Julians as set out in charge number 8¹ and that compensation was made to Justin Micallef as part payment for expenses incurred regarding the incident²;

Having seen that during the sitting of the 5th June 2019 the accused Jordan Leli Brown and Josh Ronnie Edward Ahmed-Sone declared that they were guilty as charged;

Having examined all the documents forming part of the proceedings;

Having seen that in view of this declaration of accused Brown and Ahmed-Sone and , the Court warned the said accused in the most solemn manner about the consequences arising out of their guilty plea and granted them sufficient time in order for them to retract their guilty plea. The accused, after consulting with their legal counsel, reiterated that they were guilty as charged.

The Court, after having seen Article 392A(1)(2) of the Criminal Code, in the light of the said declaration by accused : - (a)it became ex lege competent to proceed with the determination of the merits of this case and it consequently converted itself into a court of criminal judicature; (b)in view of this same declaration by accused Brown and Ahmed-Sone, duly reiterated, the Court had no option but to find the accused guilty as charged.

Having seen the records of the proceedings as well as the criminal record sheet of the accused;

Having heard the final oral submissions of the Prosecuting Officer and of the Legal Counsel to the parte civile and the accused, and in particular that in the case of the accused, given the nature of their involvement in the case, their clean criminal record sheet, the fact that they were first time offenders, they cooperated fully with the Police, they apologised for their actions, that costs for damages were paid to Baystreet Complex, that the victim was compensated for expenses incurred, that charges 10 and 11 were withdrawn by the Prosecuting Officer, that they had spent a period of time in custody as a result of these proceedings as well as their admission of guilt at a relatively early stage of proceedings and that the parties agreed that this Court could consider imposing a sentence of imprisonment in its suspended form.

Decide : -

¹ Dok MM1

² Dok MM2

Consequently, this Court, after having seen Articles 17, 22, 28A, 214, 215, 216(1)(b), 222(1), 325(1)(b), 339(1)(b), 339(1)(d), 339(1)(e), 338(m), 338(dd), 338(ff), and 392A of the Criminal Code finds:

The accused Jordan Leli Brown upon his unconditional guilty plea, guilty as charged and condemns him to a term of two years imprisonment; however having seen Article 28A of the Criminal Code it orders that the said sentence shall not take effect unless, during a period of four years from the date of this order, the offender commits another offence punishable with imprisonment and thereafter the competent court so orders under Article 28B of the Criminal Code that the original sentence shall take effect. In terms of Article 28A(4) of the Criminal Code, the Court declares and explains in ordinary language to the accused his liability in terms of Article 28B of the Criminal Code if during the operational period he commits an offence punishable with imprisonment;

The accused Josh Ronnie Edward Ahmed-Sone upon his unconditional guilty plea, guilty as charged and condemns him to one year imprisonment; however having seen Article 28A of the Criminal Code it orders that the said sentence shall not take effect unless, during a period of two years from the date of this order, the offender commits another offence punishable with imprisonment and thereafter the competent court so orders under Article 28B of the Criminal Code that the original sentence shall take effect. In terms of Article 28A(4) of the Criminal Code, the Court declares and explains in ordinary language to the accused his liability in terms of Article 28B of the Criminal Code if during the operational period he commits an offence punishable with imprisonment.

In terms of Article 392A(2) of the Criminal Code the Court orders that this judgment together with the record of the proceedings be transmitted to the Attorney General in terms of Law.

Delivered today the 5th June 2019 at the Courts of Justice in Valletta, Malta.

Dr. Nadine Lia