

**In the Court of Magistrates(Gozo)
as a Criminal Judicature**

**Magistrate Dr Brigitte Sultana LL.D. LL.M. (Cardiff), Adv. Trib. Eccl.
Melit.**

Today, the 11th of June 2019

The Police
Inspector Bernard Charles Spiteri

Vs

Stephen Edwin Tully aged 38 years, son of Stephen and Vanessa nee' Gould
born at Brighton, United Kingdom, on the 29th of November 1980 and resides in Flat
3, Seaview Court, Triq il-Punici, Munxar, Gozo holder of United Kingdom Passport
55673347

The Court,

Having seen the charges brought forward against the accused for having:

during the night of the 7th to 8th June 2019, between 23.30hrs and 01.00hrs, whilst he
was at the Police Lock Up in Capuchin Street, Victoria and/ or in the vicinity;

1. Assaulted or resisted by violence or active force, PS 698 Shaun Tabone, Pc 553 Ryan Paul Pace and Pc 688 Josimar Muscat persons lawfully charged with a public duty when in the execution of the law or of lawful order, issued by a competent authority in breach of article 96 of Chapter 9 of the Laws of Malta.
2. **And also with having on the same date, time, place and circumstances** reviled, threatened or caused bodily harm to PS 698 Shaun Tabone, Pc 553 Ryan Paul Pace and Pc 688 Josimar Muscat persons charged with a public duty, while in the act of discharging their duty or because of them having discharged such duty, or with intent to intimidate or unduly influence them in the discharge of such duty, in breach of article 95 of Chapter 9 of the Laws of Malta.
3. **And also with having on the same date, time, place and circumstances** disobeyed the lawful order of any authority or of any person entrusted with a public service, or hindered or obstructed such person in the exercise of their duties, or duly interfered with the exercise of such duties, either by preventing other persons from doing what they are lawfully enjoined or allowed to do, or frustrating or undoing what has been lawfully done by other persons, or in any other manner whatsoever, in breach of article 338(ee) of Chapter 9 of the Laws of Malta.

4. **And also with having on the same date, time, place and circumstances** willfully committed any spoil or damage to or upon movable property (a police shirt), which damages does not exceeds twenty three euros and twenty nine cents (€23.29) to the detriment of Commissioner of Police and/or Government of Malta and this in breach of article 325(d) of Chapter 9 of the Laws of Malta.

And also with having on the 7th June 2019 between 23.00hrs to 23.30hrs whilst being at Qroll street, Xlendi limits of Munxar Gozo or in the vicinities:-

5. Uttered insults or threats to the person of Mark Anthony Cassar and this in breach of article 339(1)(e) of Chapter 9.

6.**And also with having on the same date, time, place and circumstances** at night time, disturbed the repose of the inhabitants, by rowdiness or bawling or in any other manner and this in breach of Article 338 (m) of Chapter 9 of the Laws of Malta.

7.**And also with having on the same date, time, place and circumstances** also with having on the same date, time, place and circumstances in any public place or place open to the public was found drunk and incapable of taking care of himself and this in breach of article 338 (ff) of Chapter 9 of the Laws of Malta.

The Court is humbly requested to apply also articles 383 of Chapter 9 of the Laws of Malta for the security of Mark Anthony Cassar, Ps 698 Shaun Tabone, Pc 553 Ryan Pace and Pc 688 Josimar Muscat.

The Court is also humbly requested to issue a protection order in terms of article 412 (C) of Chapter 9 of the Laws of Malta, during the case and in the event of guilt.

Considering:

Having seen all the acts and the documents exhibited during the course of the proceedings;

During the sitting held today 8th of June, 2019, the Court heard the accused plead guilty to all the charges brought against him;

The Court cautioned the accused as to the repercussions of his admission and granted the accused additional time to confer with his legal counsel to decide whether he wanted to confirm his guilty plea or not. The accused once again pleaded guilty and admitted to all the charged brought against him;

Since the accused entered a guilty plea the Court finds that the charges have been sufficiently proven and hence finds the accused guilty of all the charges.

With regards to the punishment to be meted out the court deems that though the accused entered a guilty plea and did collaborate with the police yet the offence committed by him was a serious one.

Decide:-

Therefore the Court following the admission by the accused, hereby finds and declares Stephen Edwin Tully guilty of all the charges brought against him and after taking cognisance of Art. 95, 96, 325(d), 338(ee), 338 (m), 338 (ff), 339(1)(e) and 383 , of Chapter 9 of the Laws of Malta sentences him to two (2) years imprisonment which by application of Art.28A of Chapter 9 of the Laws of Malta are being suspended by three (3) years, and to the payment of a multa of Euro six thousand (€6000). The said Multa shall be paid within one (1) month from the date of this judgement.

The Court has explained to the accused the consequences if he commits a crime during the operative period of this judgement.

The court is hereby rejecting the request of the Prosecution for the protection order.

Dr Brigitte Sultana
Magistrate