

**IN THE COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE**

**MAGISTRATE
DR. RACHEL MONTEBELLO B.A. LL.D.**

**THE POLICE
(Inspector Joseph Xerri)**

-vs-

MISHAEL EID ALI ALBDOUL

Today, 14th June 2020

The Court,

Having seen that the accused **MISHAEL EID ALI ALBDOUL**, holder of the Maltese identity card number 0191029A, was arraigned and charged with having on the thirteenth (13) June 2020 at around half past three in the morning (0330hrs) and the previous hours in Triq il-Qalb Imqaddsa, in St. Julian's:-

1. Reviled, or threatened, or caused bodily harm to any person lawfully charged with a public duty, being constable 803 Andrew Pullicino and constable 1497 Julian Calleja, 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;

2. Disobeyed the lawful orders of any authority or of any person entrusted with a public service, namely constable 803 Andrew Pullicino and constable 1497 Julian Calleja, or hindered or obstructed such persons in the exercise of their duties, or otherwise unduly interfered with the exercise of such duties, either by preventing PC 803 and PC 1497 from doing what they are lawfully enjoined or allowed to do, or frustrating or undoing what has been lawfully done by other persons;
3. Insulted, threatened or reviled verbally or otherwise constable 803 Andrew Pullicino and constable 1497 Julian Calleja;
4. Without inflicting any wound or blow, threatened other persons with stones or other hard objects (glass bottles), or threw the same, or took up any other weapon;
5. Wilfully disturbed the public good order or the public peace;
6. In a public place or place accessible to the public, was found drunk and incapable of taking care of himself;

And with having, on the same date between half past three in the morning (0330hrs) and quarter to five in the morning (0445hrs) inside the St. Julian's Police station in Triq San Ġorġ, in San Ġiljan:-

7. With the intent to harm sergeant 345 Mark Cremona, accused him before a competent authority with an offence of which he was aware that he was innocent, and this by alleging that the same sergeant had hit him in his face;
8. With the intent to harm constable 1497 Julian Calleja, accused him before a competent authority with an offence of which he was aware that he was innocent, and this by alleging that the same constable had sold him drugs;

And with having on the same date and the previous weeks in the Islands:-

9. Had in his possession the whole or any portion of the plant *Cannabis*;

The Court was also requested, in case of guilt, to also apply articles 383, 384 and 385 of Chapter 9 of the Laws of Malta in addition to any punishment it deems fit to provide for the security of PC 803 and PC 1497.

The Court was 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.

After having heard the accused declare during his arraignment on the 14th June 2020 that he does not understand the Maltese language but understands the English language, the proceedings were ordered to be conducted in the English language;

Having seen that during his arraignment, the accused admitted his guilt on all charges brought against him;

Having seen that the accused, even after having been afforded time to reconsider his guilty plea and to consult with his defence lawyer and after having been informed by the Court of the seriousness of the charges and of the punishment attached to each such charge, definitively confirmed his admission of guilt;

Having heard the submissions of both the Prosecution and the defence regarding the punishment to be inflicted on the accused in consequence of his admission of guilt;

Having seen all the acts of the proceedings;

Having considered;

The accused, in the presence of his legal aid counsel and voluntarily, admitted to and registered a guilty plea in respect of all of the charges brought against him and consequently, in the light of this guilty plea, the Court deems that the said charges have been duly and sufficiently proven at Law and therefore finds the accused guilty of all such charges.

Regarding the punishment to be inflicted upon the accused as a result of his guilty plea, the Court took several factors into consideration, including the fact that, as would result from his conviction sheet, the accused has a clean criminal conduct and he also registered an early admission of guilt. The Court moreover observes that from the Police report and the accused's statement, both exhibited in the acts of the case, it results that the accused allegedly suffered injuries to his face and shoulders at the hands of third parties immediately prior to the incident which led to the present charges being brought against him and was in a state of agitation. However, the Court also took into account the fact that it also results that at the time, the accused was acting in an aggressive manner and was also in a state of intoxication.

More notably however is the fact that the accused admitted to the offence of reviling two Police officers during the discharge of their duties which in terms of Article 95 of Chapter 9, is punishable with the punishment established for the vilification increased mandatorily by two degrees and to a fine of not less than €800. While the insults directed at the two Police officers are contraventions punishable under Article 339(1)(e) of Chapter 9, the mandatory increase in punishment by two degrees means that the offence under Article 95 is, in this case, punishable by imprisonment for a term not exceeding six months.

Moreover, the admission of guilt of the offence under Article 101(1)(b) of Chapter 9, that is, of having separately accused PS 345 Mark Cremona and PC 1497 Julian Calleja before a competent authority with a crime of which he knew them to be innocent, carries with it a punishment for a term from six to nine months, while the offence under Article 8(d) of Chapter 101, that is of simple possession of the whole or any portion of the plant cannabis, which in terms of the order given by the Attorney General (Dok. JX1) is to be tried by this Court and is subject to the punishment established in Article 22(2)(b)(ii) of Chapter 101.

Decide

For these reasons, the Court, after having seen Articles 17(b)(d)(f), 31, 95, 101(1)(b), 338(dd), 338(ee), 338(ff), 339(1)(b) and 339(1)(e) of Chapter 9 of the Laws of Malta, and Articles 8(d) and 22(2)(b)(ii) of Chapter 101 of the Laws of Malta, finds MISHAEL EID ALI ALBDOUL guilty as charged upon his own admission, of all charges brought against him and condemns him to a fine (*multa*) of one thousand Euro (€1,000) payable within one (1) year from today and to imprisonment for one (1) year which, upon application of Article 28A of Chapter 9 of the Laws of Malta, is being suspended for a terms of eighteen (18) months.

In terms of Article 28A(4) of Chapter 9 of the Laws of Malta, the Court explained to the offender in ordinary language his liability in terms of Article 28B if during the operational period he commits an offence punishable with imprisonment.

The Court rejects the request for an order in terms of Article 533(1) of Chapter 9 of the Laws of Malta for payment of costs incurred in connection with the employment of experts or referees, since it does not

result that any experts were nominated in connection with these proceedings.

The Court, upon application of Article 23 of Chapter 9 of the Laws of Malta, orders that exhibits Dok. JX7, JX8 and JX9 are confiscated and consequently destroyed under the supervision of the Registrar, Criminal Courts and Tribunals.

DR. RACHEL MONTEBELLO
MAGISTRATE.