



**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
Magistrate Dr. Astrid May Grima B.A. LL.D. Adv. Trib. Eccles. Melit.**

Today 18th August 2021

**Police
(Inspector Stacey Attard)
vs
John Choul Phan
(19T-001)**

The Court,

After having seen the charges against John Choul Phan, of 27 years, son of David and Nyakuol nee' Nyaduaw born in South Sudan on 15/09/1992, and currently residing in "2", J. Abela Sclaro Street, Hamrun, and holder of Police Number: 19T-001.

Whereby he is being charged with having on 6th July, 2020 between 11:15hrs and 11:30hrs, in St. Joseph High Road Hamrun and Cordina Perez Street Hamrun, and/or on these Islands

1. Without the intent to kill or put life in manifest jeopardy, caused bodily harm on the person of Margareth Cauchi (ID 692850M) and Mario Cauchi (ID 254349 M), both of them having attained and exceeded the age of sixty years, being of slight nature, as certified by Dr Maria R Borg (Reg. NO. 2206) from Floriana Health Centre;
2. And also for having willfully committed any spoil, damage or injury to or upon any movable or immovable property, being vehicle bearing registration number ECC362, make Peugeot, to the detriment of Mario Buttigieg, holder of ID card number 62561M, which said damage does not exceed two thousand and five hundred euro (2,500) but exceeds two hundred and fifty euro (250);

3. And also for having wilfully disturbed the public good order or the public peace.

The prosecution requests guarantee in favour of Margareth Cauchi (ID 692850M), Mario Cauchi (ID 254349 M) and Mario Buttigieg (ID 62561M), on terms of article 383, 384, and 385.

Art 412C is also being requested in favour of Margareth Cauchi (ID 692850M), Mario Cauchi (ID 254349 M) and Mario Buttigieg (ID 62561M).

After having seen all the documents presented in the acts of these proceedings.

After hearing the accused register a guilty plea on the 5th of August 2021, to the charges brought against him.

After hearing final submissions by the parties.

Considers

Whereas during the sitting held on the 5th of August 2021, in the presence of his Lawyer, the accused plead guilty to the 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, and after having given him sufficient time within which to reconsider and withdraw his guilty plea.

Having heard the accused reiterate his guilty plea, after the court warned him of the punishment and consequences such an admission entailed.

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

Considers

The guilty plea of the accused and his clean conviction sheet.

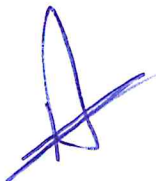
Decide

For the said reasons the Court, after having seen articles 7, 8, 31, 214, 215, 221(1), 222A(1), 325(1)(b) and 338(dd) of Chapter 9 of the Laws of Malta, **finds the accused guilty** of all charges brought against him and condemns him to **fourteen (14) months imprisonment**.

Also in terms of **Article 412C** of Chapter 9 of the Laws of Malta, the Court is issuing a **Protection Order** against the accused for a period of **one (1) year** from today for the protection of **Margareth Cauchi (ID 692850M)**, **Mario Cauchi (ID 254349M)** and **Mario Buttigieg (ID 62561M)**. The Court explained to the accused **John Choul Phan** in plain language, his liabilities according to the conditions imposed by the Protection Order, which decree is being attached with this judgement, also forming an integral part of the same judgement.

Furthermore, in addition to the punishment being inflicted in terms of the aforementioned Articles of Chapter 9 of the Laws of Malta, the Court in terms of **Article 383** of said Chapter 9 orders **John Choul Phan** to keep the peace with **Margareth Cauchi (ID 692850M)**, **Mario Cauchi (ID 254349M)** and **Mario Buttigieg (ID 62561M)**, and in order to provide for the safety of the said persons, orders **John Choul Phan** to enter into his own recognisance in the sum of two thousand Euro (€2,000). This obligation is to remain in force for a period of twelve (12) months from today.

The Court is ordering that a copy of this Judgement together with the attached Decrees are notified to the Commissioner of Police.



Dr. Astrid May Grima B.A. LL.D. Adv. Trib. Eccles. Melit.
Magistrate



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

**PROTECTION ORDER
(ARTICLE 412 C OF CHAPTER 9 OF THE LAWS OF MALTA)**

Magistrate Dr. Astrid May Grima B.A. LL.D. Adv. Trib. Eccles. Melit.

TODAY the 18th of August 2021

**POLICE
(Inspector Stacey Attard)**

Vs

John Choul Phan

The Court,

After having seen the application/ heard the submissions of both parties;

After having seen Article 412 C (4) of Chapter 9 of the Laws of Malta;

Orders the issue of a Protection Order against the accused **John Choul Phan** holder of Police number **(19T-001)** under the following conditions:

- a) Prohibits or restricts the accused from approaching or following the movements of **Margareth Cauchi (ID 692850M), Mario Cauchi (ID 254349M) and Mario Buttigieg (ID 62561M)**.
- b) Prohibits or restricts access by the accused for a period of **one (1) year** to premises in which the injured person/s or any other person specified in the Order lives, works or frequents even if the accused has a legal interest in those premises.
- c) Prohibits the accused from contacting or molesting **Margareth Cauchi (ID 692850M), Mario Cauchi (ID 254349M) and Mario Buttigieg (ID 62561M)**.
- d) This Protection Order shall remain in force for a period of **one (1) year** from today.
- e) If the accused without any justifiable reason, contravenes any prohibition or restriction imposed upon him, may on conviction be liable to a fine (multa) of seven thousand Euro (**€7,000**) or a term of imprisonment not exceeding two years or both.

Magistrat
Dr Astrid May Grima
B.A., LL.D, Adv. Trib. Eccles. Melit

Magistrate

Accused