



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

Magistrate Dr Leonard Caruana LL.D (Melit.) M.A. (Fin. Serv.)

Today, the 11nd May, 2022

The Police
(Inspector Roderick Attard)

Vs

Adam Andrzej Kuza
(Polish Passport number ET3031075)

The Court,

Having seen the charges brought against:

Adam Andrzej Kuza, 37 years old son of Dariusz & Halina Kuza born on the 30th November 1984 in Warsaw, Poland, without fixed address & holder of Polish Passport number ET3031075 and charged with having at the Solana Hotel, Gorg Borg Olivier Street, Mellieha and/or within other places in the Maltese islands in the night from the 9th May 2022 to the 10th May 2022:-

1. Reviled, or threatened, or caused a bodily harm to PS 55 Iman Cutajar, PC1498 Clint Saliba, PC 759 Alan Mercieca u PC 351 Pierre Paul Camilleri, 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 PS 55 Iman Cutajar, PC1498 Clint Saliba, PC 759 Alan Mercieca u PC 351 Pierre Paul Camilleri, persons entrusted with a public service, or hindered or obstructed such person in the exercise of his duties or otherwise unduly interfered with the exercise of such duties either by preventing other persons from doing what they lawfully enjoined or allowed to do, or frustrating or undoing what has been lawfully done by other persons, or in any other manner whatsoever unless such disobedience falls under any other provision of the criminal code;

In any manner not otherwise provided for in the Criminal Code, wilfully disturbed the public good order or the public peace

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 during today's sitting both **Adam Andrzej Kuza** registered a guilty plea and admitted to all the charges brought against him and, with the application of Article 392A(1) and Article 453(1) of the Criminal Code, Chapter 9 of the Laws of Malta, the Court warned him in the most solemn manner about the legal

consequences of their admission, and afforded them a period of time to reconsider their guilty plea.

Having seen that after being given enough time, the accused confirmed his guilty plea;

Having seen all the documents submitted by the Prosecuting officer under oath;

Having heard the oral submissions made by the prosecution and defence council in regard to the punishment that ought to be awarded to the accused.

Considered: -

That the accused is in Malta on holiday. The incident happened after the accused and his wife where on a trip to Comino and his wife suffered some injuries. The accused was drunk and caused a commotion at the hotel. The police went to the hotel to see what was happening and the accused was very aggressive towards the police officers. Moreover, he disobeyed the orders given by the police and the only way to control him was to arrest and take him to the police station.

Whilst there, the accused apologised for his behaviour and co-operated fully with the police officers. He admitted his guilt when questioned by the police and confirmed his guilt before the Court in today's sitting.

In regard to the punishment, the Court is taking account of his early guilty plea and his co-operation with the investigative authorities. On the other hand, the Court cannot take these offences lightly, especially since they pose a risk to good order of society and the authority of the executive police. The Court makes it clear that any confrontation or attack towards the police or other authorities will not be tolerated and must be prohibited. All authority must be

respected, and any order given by them must be observed and obeyed.

As regards punishment, however, the Court notes that the accused is very sorry for what happened and that this is the first time he committed a breach of the law in Malta. He admitted immediately in Court and confirmed his admission and apology in open Court.

Decide:

Therefore, on the basis of the above, the Court after having seen Articles 95, 338(dd), 338 (ee) of Chapter 9 of the laws of Malta, and after hearing the voluntary and unconditional admission of the accused, finds **Adam Andrzej Kuza guilty** of all charges brought against him and condemns him (i) to a period of eighteen (18) months imprisonment which, with the application of Article 28A of Chapter 9 of the Laws of Malta, shall not take effect unless during a period two (2) years, to be reckoned from today, he commits another offence punishable with imprisonment and (ii) to a fine (*multa*) of eight hundred Euros (€800).

In accordance with Article 28A(4) of Chapter 9 of the laws of Malta, the court explained to the offender in ordinary language his liability under article 28B if during the operational period of this judgement he commits an offence punishable with imprisonment.

**Dr. Leonard Caruana LL.D., M.A. (Fin. Serv).
Magistrate**