



In the Court of Magistrates (Malta)
As a Court of Criminal Judicature
Magistrate Dr. Yana Micallef Stafrace LL.D.

The Police

Inspector Eman Hayman

Vs

Maxwell Joe

Today, 20th of February 2024

The Court

Having seen the charges brought against Maxwell Joe, 52 years, born in Liberia on the 24/12/1970, without permanent address and holder of Maltese residence permit carrying number 41354A.

Accused that through the month of November 2023 and the preceding months in Msida

1. Pursued a course of conduct which amounts to harassment of **Mario Camilleri** and the society named as **Realco Leasing Limited** and, or pursued a course of conduct which he knows or ought to know amounts to harassment of such other person and, or society.
2. In any public place or place open to the public, he was found drunk and incapable of taking care of himself and, or in any public place or place open to the public.

And charge him for having on the 28/11/2023 between 10AM and 12PM in Msida

3. Without intent to kill or to put the life of any person in manifest jeopardy, caused harm to the body or health of another person, voluntarily inflicted slight bodily to **Tamara Raquel Reid** as certified as such by Dr. Christine Falzon (Med Reg 4576).

The Court was humbly requested to issue a protection order whilst the case is ongoing as per Article 412C of Ch 9 the Laws of Malta in favor of the mentioned victims.

The Court was also humble requested to issue a Treatment Order 412D of Ch 9 of the Laws of Malta.

The Court was also requested that apart from carrying out punishment, applies Art 382, 383, 384 and 385 of Ch 9 of the Laws of Malta for the security of the mentioned victims.

On the 29th November 2023:

The prosecuting officer Inspector Eman Hayman reads and confirmed on oath the charges brought against the accused.

The accused was examined according to Law and pleaded not guilty to the charges brought against him.

Having seen articles 251A, 214, 221(1) 412(C) 412 (D) 382, 383, 384, 385 of Chapter 9 of the Laws of Malta.

Having seen all the witnesses produced by the prosecution.

Having seen that the accused did not testify.

Having seen the acts of the proceedings.

Having seen the oral submissions of the parties.

Considerations of this Court

Mario Camilleri on oath stated as follows

Pros: Can you kindly explain to the Court why have you been summoned here?

Wit: Basically I am the owner of a premises which houses an apart Hotel, Restaurant, Gymnasium and a lot of people obviously come in, they go in and out.

Pros: Where is it?

Wit: It's Park, Park Heights Msida and this person comes along and during the day sometimes morning and sometimes, I'm referring to Joe Maxwell.

Court: The witness recognizes the accused.

Wit: And almost in all occasions, I have different dates which I have 28 September reports. I have another one on 28 September where he broke a tree. I have another one 6th October 12th October.

Court: What did he do in these dates?

Wit: He goes into the premises in the front garden.

Court: The premises and you haven't told me what the premises is called?

Wit: Park Heights.

Court: Where is it situated?

Wit: Pawlu Debono street Park Heights Hotel It's a multi-use. There are restaurants. There is a cafeteria, gymnasium and the hotel.

Court: Who does it belong to?

Wit: To my company, myself I mean.

Court: What is your company called?

Wit: Called Real Coal Leasing Limited.

Pros: Why you reported?

Wit: I report because he comes in a drunk state and he bothers people, he harasses people and he takes off.

Court: What did you what did you see or what did you see through the video?

Wit: Through the video, these are all or probably they're all very clear from the hotel videos, which you can see once.

Court: Did you download them?

Wit: Yes, I did and I passed them to the Police. Y

Court: So Let's see the video is first so he can tell us so when there is the date six, So 16/10/23 is a folder, And who is this person?

Wit: Guests of the hotel sometimes.

Court: And is there someone else apart from the guests of the hotels in the image?

Wit: I can't recognize anyone else, but I'm sure that in the video you.

Court: Continue the next image. Are you still not recognising anyone?

Wit: They were all guests of the hotel.

Court: OK, continue. Are you recognising anyone here?

Wit: I always recognise him Joe Maxwell,

Court: Mela you're talking Mela in this third or fourth time is the person who's taking his shirt off?

Wit: Yes, exactly.

Court: OK, continue please and this is the same person?

Wit: Yes, is the same person and.

Court: And he's speaking.

Wit: To guests, he's trying to give them wine he always comes with bottles of wine.

Court: Yes 12/10/23 let's start with the images. Can this be enlarged? Are you recognising? Anyone?

Wit: Yes the one in yellow as Joe Maxwell he tries to knock in the door of the hotel to go in and they lock up. Receptionists are scared that many a time we can't even walk out they have to close the door.

Court: Next one, again recognising?

Wit: Yes the same person Joe Maxwell. yeah,

Court: OK, continue the second two. Say so. Miss two. OK, same person 3. Same person 4. The person, right? Same person. And here he is. Well, here's the 1st. Well, look, let's continue. Let's say 7. These are not really clear what he's doing except that he's there. The first one we told him take his clothes off and whatever and offering wine next. OK, let's see this one. Image 1403 OK, Ecabs, OK, what did he do?

Wit: Guests arrived with Ecabs went to face them or showing them, the bottles and they couldn't come out, so they were waiting for him to move away.

Court: OK, they were. 1406 OK, continue 1409 He's got something in his hand, and a bottle of wine. it is a carton of wine. Yes, OK. On fire right now, and this is on your premises.

Wit: Yes, exactly.

Court: Inside the premises?

Wit: Yes exactly.

Court: Continue. Who is that person in the photo?

Wit: A guest.

Court: A guest. OK, the video and these are stills from the video.

Wit: And obviously then they call me many a time to all the police to come over and subsequently quite a few more. He's telling him to go away all the time, so the reception, they closed the door at that stage always.

Court: OK, I think we're gonna stop here, right?

Pros: Just one second besides the visual of the videos, if you look at the video at the top part, what can you describe?

Wit: Those you can see those are the actual dates and dates and time of the event all of them. All of them. We're done. And obviously then we get complaints in the Hotel and then on TripAdvisor. The receptionist is recording him hawking on the door trying to go in. Then she was afraid of him and she she bends down and switches it off. You will see.

Wit: If you had to describe where is that place?

Wit: That is being filmed from the reception desk outside.

Pros: The reception desk of what?

Wit: Of the Park Heights Hotel he blogs the way for people and it's just incredible. I mean, 15 times.

Court: Next video 25th the same place though, right?

Wit: The same place, but a resident was stranded outside for 30 minutes until the police came to put him away. They couldn't even enter and there's a Trip Adviser obviously report and all that goes along with Malta and then the areas and and the situation we're living in. It's all documented and sent to the police. They had to wait till 10:30 at night and my staff tried to have a shift at 10:00 and they're all scared. Sometimes they have to call their parents to see if there's someone out there.

Court: OK, this next and this is 28/9. Let's do the video first. The images of the video?

Wit: Yes. He's so he's going to break the tree now he knows exactly what he's doing.

Court: Is the person an employee?

Wit: No, no. So who is always drunk and calling people and behaving in a very ferocious way and many a time, he's trying to open to go back in. You see, they lock people outside and then they have to call police.

Court: And this is where he breaks the tree?

Wit: Yes. Here's a situation where he lied on the floor.

Court: And and are all November and the months before?

Wit: I would say he passes by almost every day as I have some reports where where they call me and where we managed to video him or or. But it happens very, very often.

Court: Let's continue mentioning dates please as well.

Wit: Breaking of tree 3 was 28/9 hemmekk ibblokka it-traffic intefa fl-art u blokka traffic.

Pros: How did you feel about the whole matter in general?

Wit: The whole matter I have a massive problem I have workers terrorised inside at times.

Court: Did you feel that you are somehow harassed?

Wit: He did face me twice or three times and so I did go to try to explain to him to move away.

Court: Apart from that, what did you feel harassed or not?

Wit: Yeah, I did and and my employees.

Pros: During your testimony you mentioned Real Coal Leasing Companies and not as you with regards to the company? You mentioned Trip Advisor?

Wit: TripAdvisor reports, yes, exactly. And even people working in the reception are not exactly happy now that they have a job where they don't feel secure.

Pros: If they're not happy, what are they?

Wit: They will leave the job as well.

Pros: That's it from my side.

Inspector Eman Hayman, on oath stated as follows

Court: You swear to say the truth, the whole truth and nothing but the truth so help you God.

Wit: I swear. So basically your honour we had various reports alleging a certain Maxwell Joe was reporting in the vicinity is the Park Heights establishment and according to the complainant asserted Mario Camilleri was complaining that Maxwell Joe was all the time roaming about the the front porch of this establishment and he was behaving either badly, sometimes even did minor damages to the front part of the establishment by pulling out some plants. There were other instances where he was drunk and he was drinking wine out of a curtain and the last straw was basically when Maxwell Joe allegedly threw this cart in the wine carton towards the complainant. That the society itself which takes care of this establishment is named Real Co Leasing Company and I am presenting a USB with various small footages which have recorded the behaviour and demeanour of Maxwell Joe besides.

Court: Are you recognising someone here?

Wit: Yes.

Court: The inspector recognised the accused.

Wit: Whilst the police were continuing investigating the course of the alleged course of conduct reports lodged by Mr Mayor Camilleri, there was another report and there was an argument with another person that does not have anything to do with this establishment and allegedly during this argument Maxwell Joe caused slight bodily harm to her person. The name is written as It's a certain surname read I forgot the name.

Court: Read Tamara.

Wit: Yes, Read Tamara that's basically my testimony.

Dr. Joseph Vella Baldacchino, on oath stated as follows

Xhud: I've known Mr Maxwell for quite some time he was under my care at Mount Carmel Hospital alright and for many years, and apparently in this particular instance I didn't go much into the detail because he wouldn't elaborate much, But according to the inspector, he explained what happened in Imsida and it fits in with what used to be his previous history when who used to be admitted several times to Mount Carmel. Basically, in a nutshell, he is a very nice gentleman. He is religious always been very polite he he is hard working, he works hard in order to send money to Africa, to his family, so he's also has that interest. But but the problem is when he drinks or hits rather than the bottle the packet, he becomes a different man like Doctor Jekyll and Mr Hyde. He starts being a nuisance, his character changes he can become violent and aggressive. Now this is based on the records on the previous history we have from Mount Carmel. When I visited him in CCF I

discussed the case also with the with the medical officer. There, he was calm he is cooperative.

Qorti: So let me see, You don't know whether or not he was under the influence of alcohol?

Xhud: He admitted. Yes, and I've got it recorded. Yeah.

Qorti: So when he is under the influence of alcohol, is he in control of it?

Xhud: So the conclusion is, in my opinion, after this or I can also start with the discussion Mr Maxwell was of a gentle disposition, very hard working and physical tasks. Many people actually require his his whatever abilities, you know, various contractors, however he turns to drink alcohol. So this is his problem I had also referred him way back to SEdqa for rehabilitation but still the problem persists. He drinks alcohol normally in the form of wine or what he tends to call an African drink, which obviously contains alcohol as well, and some juice which tends to change his behaviour and triggers him to become a nuisance in public. His problem was never completely eradicated even though he spent long stints at Mount Carmel. He works very hard in order to provide money to his family in Liberia. Since he admitted to have been under the influence of alcohol at the time of the alleged incident, this could have impaired his recollection of defects of the facts, infact, he did not elaborate much on what actually happened, or he tried to pretend that he forgot. However, he could provide all other details of events, so his memory was there, but it was like selective memory. In the conclusion in my opinion, Mr Maxwell is at present fully fit to appear in court and to follow proceedings. His condition at the time of the alleged incident seems to be consistent with his behaviour when under the influence of alcohol, which affects his behaviour and tends to change his character and personal control, as can be confirmed by his past industry and previous admissions to MCH which I have listed so one can see that he has.

Qorti: If he admitted he was in under the influence of alcohol was he in a position to know right from wrong and the usual parameters or?

Xhud: It depends what level of intoxication was under, because what he told me it was something which which the inspector had conferred about a dog that he was in the laundry. The inspector obviously provided me with more details, but he would not substantiate the actual facts that the inspector told me.

Pros: And in your opinion is there something? What are, what are the recommendations so we can solve this issue? If there are?

Xhud: They were successful I was about to say when he was under a treatment order under the previous Mental Health Act and I used to extend it every year. He had a home, by the way he had a relationship with him all these girl. He has also a son at a 13-year-old son and who is in care. And this person used to leave the hospital by public transport, used to go and do a day's work and then come back. Sometimes even on the ward he used to smuggle some alcohol and there's some different so the main problem is the alcohol and if that is something which like any other addiction, very difficult to eradicate. I had, I had sent him to Santa Maria the Sedqa programme for that, but again when he came out we resumed the same.

Conclusions

There is sufficient evidence from the testimony of Mario Camilleri and Pen drive Doc EH to find the accused guilty of the first charge limited to harassment of Mario Camilleri and the second charge.

There is not sufficient evidence regarding the third charge as Tamara Raquel Reid did not give testimony.

In the circumstances of the case and particularly the testimony of Dr George Debono the Court deems appropriate the issue of both a protection order in

favour of Mario Camilleri and A Treatment Order regarding the accused Joe Maxwell for Alcohol Abuse.

Decide

For these reasons and after having seen articles 251A, 214, 221(1) 412(C) 412 (D) 382, 383, 384, 385 of Chapter 9 of the Laws of Malta the Court finds Joe Maxwell guilty of the first charge limitedly in the person of Mario Camilleri and guilty of the second charge and condemns him to six months imprisonment (6) and a fine of five thousand euros (5000) but not guilty of the third charge.

Any period spent in protective custody is to be deducted from the period of imprisonment.

The Court issues a protection Order in favour of Mario Camilleri.

The Court issues a Treatment Order regarding Alcohol Abuse.

These Orders are to form an integral part of this judgement.

The Court explained the contents of theses Orders to Joe Maxwell and the consequences of not following such orders.

Magistrate Dr Yana Micallef Stafrace LL.D.

Doris Serpina Sciberras

Deputy Registrar