



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

**MAGISTRATE
DR. JOSEPH GATT LL.D.**

Hearing of the 16th of June, 2024

Case Number: 496/2024

The Republic of Malta

vs

**Brandon Heinze (Dutch Passport Number: NTKBRJ5R1) and
Heiylon Eihtel David Muzo (Dutch Passport Number
NW6LFJRB6)**

The Court;

Having seen the charges brought against the accused **Brandon Heinze** of twenty-six (26) years, son of Harold and Sandra, born in Amsterdam, the Netherlands, on the twenty-second (22nd) of June of the year nineteen ninety-seven (1997), declared to reside in Amsterdam, the Netherlands, holder of Passport No. NTKBRJ5R1 and **Heiylon Eihtel David Muzo** of twenty-six (26) years, son of Eihtel and Fabiola, born in Amsterdam, the Netherlands, on the twenty-second

(22nd) of August of the year nineteen ninety-seven (1997), declared to reside in Amsterdam, the Netherlands, holder of Passport No. NW6LFJRB6, charged with:

that on the Fourteenth (14th) of June of the year Two-Thousand and Twenty-Four (2024) between around seven o'clock in the evening (19:00hrs) and eight o'clock at night (20:00hrs), at Armier, Mellieħa, Malta, and/or other locations on these Islands:

- 1. Without intent to kill or to put the life of **Best Adebomi Abe**, in manifest jeopardy, caused harm to the body or health of **Best Adebomi Abe**, that is, bodily harm of a grievous nature;
Articles 214, 215 and 216 of Chapter 9 of the Laws of Malta*
- 2. At the same period, time, place and circumstances, in any manner not otherwise provided for in the Criminal Code, willfully disturbed the public good order or the public peace;
Article 338(dd) of Chapter 9 of the Laws of Malta*

The Court was also asked to provide for the safety of the injured party, that is, **Best Adebomi Abe** or to maintain public good order or to provide for the safety of the aforementioned **Best Adebomi Abe** and his family from any harassment or any other behaviour that might cause fear of violence, by issuing a Temporary Protection Order under Article 412C of Chapter 9 of the Laws of Malta, and in the case where the person charged is found guilty, the Court is also humbly asked to provide for the safety of **Best Adebomi Abe** and his family under Articles 382A, 383, 384 and 385 of Chapter 9 of the Laws of Malta;

The Court was also asked, in the case where the person charged is found guilty, apart from meting out punishment according to law, to apply the provisions of Article 533 of Chapter 9 of the Laws of Malta;

Having seen that in today's sitting¹, the accused registered a guilty plea to the charges brought against them.

Having seen that after the Court warned them in the most solemn manner about the legal consequence of their reply and allowed the accused a period of time for them to reconsider after consultation with his lawyer, the same accused reiterated their guilty plea.

Having seen the documents exhibited by the prosecution.

Having seen the joint application filed by the prosecution and the defence, in terms of article 392A(5) of Chapter 9 of the Laws of Malta, whereby they requested the Court to impose a judgement of two (2) years imprisonment suspended for four (4) years, in case the accused pleads guilty and to issue a restraining order in terms of article 382A of Chapter 9 of the Laws of Malta.

Having seen the acts of the case.

Considered

1) Facts and admission of guilt.

¹ Relative minute commences at fol 8 of the acts of the proceedings.

Whereas the facts of the case emerge from the documentation of the acts of these proceedings and thus there is no need for a repetition of the same.

Whereas the accused decided to admit to the charges brought against them, which admission was repeated by themselves after having been given enough time to reconsider their position.

Whereas considering this², the Court is therefore finding the accused guilty of the charges brought against them.

2) Punishment

Whereas in the present case, the prosecution and the defence requested that this Court imposes a sentence of two (2) years imprisonment, which effects are to be suspended for four (4) years.

Whereas this Court, having seen that what was requested in the joint application falls within the parameters of the law; the fact that the accused had, until today, an untainted criminal record in Malta and their early admission to these charges, is acceding to the joint request.

²Regarding the effects of a guilty plea, the Court refers to the cases **Il-Pulizija vs George Cassar Desain**, given by the Court of Criminal Appeal (Inferior Jurisdiction) on the 27th of October 1962; **Il-Pulizija vs Andre Falzon**, (App Nru: 385/2015) given by the Court of Criminal Appeal (Inferior Jurisdiction) on the 19th of November 2015 **Il-Pulizija vs Godfrey Formosa**, (App Nru: 99/2017) given by the Court of Criminal Appeal (Inferior Jurisdiction) on the 26th of October 2017.

3) Conclusion

For these reasons, the Court, after seeing 214, 215, 216 and 338(dd) of Chapter 9 of the Laws of Malta, finds the accused guilty of the charges brought against them and condemns them to two (2) years imprisonment. However, in light of the considerations above-mentioned, this term of imprisonment is being suspended for a period of four (4) years from today, in terms of Article 28A(1) of Chapter 9 of the Laws of Malta.

In accordance with Articles 28A(4) of Chapter 9 of the Laws of Malta, the Court explained to the convicted offenders in ordinary language their liability under article 28B of Chapter 9 of the Laws of Malta, if during the operational period they commit an offence punishable with imprisonment.

Furthermore, the Court is, in terms of article 382A of Chapter 9 of the Laws of Malta, issuing a restraining order against the accused in favour of Best Adebomi Abe for a period of three years from today.

The Court is not providing for an order in terms of article 533 of Chapter 9 of the Laws of Malta since no experts were appointed in this case.

The Court is finally, in terms of article 392A(2) of Chapter 9 of the Laws of Malta, ordering that within six (6) working days, the Attorney General is to be given access to a scanned copy of the records, together with access to a scanned copy of the judgment.

Dr Joseph Gatt LL.D.

Magistrate

Annalise Spiteri
Deputy Registrar