



**Court of Magistrates (MALTA)**  
**AS A COURT OF CRIMINAL JUDICATURE**  
**Magistrate Dr. Jean Paul Grech B.A., LL.D**  
**M.Juris (Int. Law), Adv. Trib. Eccl. Melit**

**JUDGEMENT**

Today, Monday, the twenty-fourth (24<sup>th</sup>) June 2024

Case Number 512/2024

**The Police**

(Senior Inspector Sarah Magri)

VS

**Michael Juan O' Leary**

The Court,

Having seen the charges brought against **Michael Juan O'Leary**, son of Juan and Manwela, born in the United Kingdom on the twenty-first (21<sup>st</sup>) July 1990 and residing in the United Kingdom, holder of British Passport Number 1468 549 65 for having on the night between the twenty-first (21<sup>st</sup>) of June at around eleven o'clock in the evening (23:00hrs) and the twenty-second (22<sup>nd</sup>) of June 2024 at one o'clock in the morning (01:00hrs) at Tourist Street, St Pau's Bay, Malta and/or other locations on these Islands:

- (1) wilfully committed damages or injury to or upon any movable or immovable property belonging to DB San Antonio Hotel and/or any other company and/or person, which amount exceeds the sum of two thousand and five hundred euro (€ 2,500);<sup>1</sup>
- (2) threatened medical staff present led by Dr Joslin lawfully charged with a public duty, while in the act of discharging his duty or because of his having discharged such duty, or with intent to intimidate or unduly influence him in the discharge of such duty;<sup>2</sup>
- (3) also in any public place or place open to the public, been found drunk and incapable of taking care of himself;<sup>3</sup>
- (4) also uttered insults or threats not otherwise provided for in this Code, or being provoked, carried his insult beyond the limit warranted by the provocation.<sup>4</sup>

Having seen all the documents which were exhibited by the Prosecuting Officer;

Having heard the accused admit to all charges brought against him.

Having warned the accused in the most solemn manner about the legal consequences emanating from such a declaration of guilt;

Having given to him adequate time to reconsider his guilty plea;

Having heard the accused reconfirm his guilty plea;

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<sup>1</sup> Article 325(1)(a) of Chapter 9 of the Laws of Malta.

<sup>2</sup> Article 95 of Chapter 9 of the Laws of Malta.

<sup>3</sup> Article 338(ff) of Chapter 9 of the Laws of Malta.

<sup>4</sup> Article 338(e) of Chapter 9 of the Laws of Malta.

Having seen that there are no valid reasons in accordance with article 392A(3) of Chapter 9 of the Laws of Malta for the Court to doubt whether the offences have really taken place and nor to doubt whether the accused is guilty of the offences brought against him;

Having heard submissions on punishment by the Prosecuting Officer and the Defence;

Considers;

The facts of the case are as follows: the accused was residing at DB San Antonio Hotel situated in Triq it-Turisti, Bugibba whilst holidaying in Malta with his family. On the night between the 21<sup>st</sup> and the 22<sup>nd</sup> June 2024, the accused who was drunk at the time was involved in an altercation with his wife. As a result the accused went on a damaging spree causing over six thousand euro (€ 6,000) in damages inside the Hotel where he was staying. He was eventually admitted to Mater Dei Hospital as he suffered injuries consequent to his damaging spree. Whilst in Mater Dei, he also threatened Dr Joslin who was assisting the accused in connection with the injuries which the latter had sustained.

Considers;

Since the accused admitted to the charges, the Court has no option but to find the accused guilty of all charges brought against him.

As regards punishment, the Court shall be taking into consideration the fact that: (a) the accused cooperated with the Police; (b) he expressed remorse for his actions; and (c) he also made it clear that he will be paying for all damages he caused to DB San Antonio Hotel.

- **Decide**

Consequently for the reasons outlined above and following the accused's unconditional guilty plea and after having seen articles 17, 95, 325(1)(a), 338(ff) and 339(e) of Chapter 9 of the Laws of Malta, the Court is finding the accused Michael Juan O'Leary guilty of all charges brought against him and is condemning him to two (2) years imprisonment; but orders that this sentence is not to take effect unless during a period of four (4) years from today, the offender commits another offence punishable with imprisonment.

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 under article 28B of Chapter 9 if during the operational period of this judgement he commits another offence punishable with imprisonment.

After having seen article 28(H)(1) of Chapter 9, the Court is also concurrently ordering the offender to pay to DB San Antonio Hotel the sum of six thousand and three hundred euro (€ 6,300) being the value of the damages sustained by the same DB San Antonio Hotel as a result of the offender's deliberate actions. Said payment is to be made by not later than six (6) months from today. This order of payment which is being issued by this Court shall constitute an executive title for all intents and purposes of the Code of Organisation and Civil Procedure (Chapter 12 of the Laws of Malta) as if it were an order given by a competent Civil Court.

In terms of article 28H(8) of Chapter 9 of the Laws of Malta, the Court explained to the offender in ordinary language his liability under article 28H of Chapter 9 of the Laws of Malta if he fails to comply with the direction to affect payment.

Finally the Court orders that in terms of article 392A(2) of Chapter 9 of the Laws of Malta the Attorney General be given access to a scanned

copy of the records of this case together with access to a scanned copy of this judgement and this within six (6) working days from today.

**Dr. Jean Paul Grech**  
**Magistrate**