



**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR. GABRIELLA VELLA B.A., LL.D.**

**The Police
(Inspector Roderick Attard)**

Vs

Theodoros Vrakas

Today, 27th June 2024

The Court,

Considered the charges brought against **Theodoros Vrakas**, thirty five (35) years of age, son of Nicholas and Argyro, born in Valos, Greece, on the 20th October 1988, residing at 124, Agius Court, Flat 7, Triq Il-Qasab, San Gwann, and holder of Maltese Identity Card Number 215201A, of having on the 26th of June 2024 at around nine o'clock in the evening (21:00hrs) and half past ten in the evening (22:30hrs) in Triq San Gorg, St Julians, and/or in the Maltese Islands:

1. Reviled, or threatened, or caused a bodily harm to PS525 Johann Parnis, a person 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;
2. Moreover that, on the same date, time, place and circumstances assaulted or resisted by violence or active force not amounting to public violence PS525 Johann Parnis, a person lawfully charged with a public duty when in the execution of the law or of a lawful order issued by a competent authority;
3. Moreover that, on the same date, time, place and circumstances without the intent to kill or to put the life of PS 525 Johann Parnis in manifest jeopardy, caused slight bodily harm on the person of PS 525 Johann Parnis, a person lawfully charged with a public duty when in the execution of the law or of a lawful order issued by a competent authority, as certified by Dr Y. Vella;

4. Moreover that, on the same date, time, place and circumstances uttered insults or threats to PS 525 Johann Parnis not otherwise provided for in the Criminal Code, or being provoked, carried his insult beyond the limit warranted by the provocation;

Considered the request by the Prosecution to provide for the safety of PS 525 Johann Parnis and/or his family and/or public order and/or for the purpose of protecting the injured party from behaviour that causes fear of violence during the proceedings by issuing a Protection Order against the accused in terms of Section 412C of Chapter 9 of the Laws of Malta;

Considered the documents submitted by the Prosecution namely: (i) the Consent by the Attorney General in terms of Section 370(4) of Chapter 9 of the Laws of Malta, marked as Doc. "X"; (ii) a photocopy of the accused's residence document marked as Doc. "A"; and (iii) the Conviction Sheet of accused marked as Doc. "B";

Heard the accused declare that he has no objection to his case being dealt with summarily and at first plead that he is not guilty of the charges brought against him against him but later changing his plea and plead guilty to the charges brought against him, which guilty plea was confirmed by him after the Court warned him in the most solemn manner of the legal consequences of his guilty plea after having given him sufficient time within which to reconsider and withdraw such guilty plea;

Heard submissions by the Prosecution and Defence Counsel regarding punishment;

Considered all the records of the proceedings;

Considers:

The accused is being charged of having on the 26th of June 2024 at around 21:00hrs and 22:30hrs, in Triq San Gorg, St Julians, and/or in the Maltese Islands: (1) Reviled, or threatened, or caused a bodily harm to PS525 Johann Parnis, a person 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; (2) Moreover that, on the same date, time, place and circumstances assaulted or resisted by violence or active force not amounting to public violence PS525 Johann Parnis, a person lawfully charged with a public duty when in the execution of the law or of a lawful order issued by a competent authority; (3) Moreover that, on the same date, time, place and circumstances without the intent to kill or to put the life of PS 525 Johann Parnis in manifest jeopardy, caused slight bodily harm on the person of PS 525 Johann Parnis, a person lawfully charged with a public duty when in the execution of the law or of a

lawful order issued by a competent authority, as certified by Dr Y. Vella; (4) Moreover that, on the same date, time, place and circumstances uttered insults or threats to PS 525 Johann Parnis not otherwise provided for in the Criminal Code, or being provoked, carried his insult beyond the limit warranted by the provocation.

The accused pleaded guilty to the charges brought against him and in the light of said guilty plea the Court necessarily must find the accused guilty of the said charges so brought against him.

In so far as concerns punishment the Court took into consideration the fact that the accused has a clean Maltese Conviction Sheet and that he submitted a guilty plea at an early stage of the proceedings. It also took into account that fact that the second, third and fourth charges brought against the accused are absorbed in the first charge brought against him.

Now therefore after having considered Sections 31, 95, 96, 214, 215, 221(1), 222(1)(c) and 339(1)(e) of Chapter 9 of the Laws of Malta, the Court is finding the accused guilty, upon his own admission, of all the charges brought against him and condemns him to one (1) year imprisonment, however, since it deems that in this case there are sufficient reasons, namely the fact that the accused has a clean Maltese Conviction Sheet and that he submitted a guilty plea at an early stage of the proceedings, which warrant that the said term of imprisonment be suspended, in terms of Section 28A of Chapter 9 of the Laws of Malta suspends, the said term of one (1) year imprisonment hereby imposed on the accused, for a period of two (2) years from date of this judgment.

In terms of Section 28A(4) of Chapter 9 of the Laws of Malta, the Court explained to the accused in plain language his liability under Section 28B of Chapter 9 of the Laws of Malta if during the operational period of this suspended sentence he commits an offence punishable with imprisonment.

The Court is also imposing on the accused a fine (*multa*) of one thousand Euro (€1,000) which fine (*multa*) is to be paid by the accused in four (4) equal and consecutive monthly instalments of two hundred and fifty Euro (€250) each, with the first payment falling due and becoming payable on the 31st July 2024 and the remaining three instalments of €250 each falling due and becoming payable on the last day of every consecutive month thereafter until payment in full of the said fine (*multa*) of €1,000.

Should the accused fail to pay the first instalment of the said fine (*multa*) of €1,000 when it falls due and becomes payable or fails to pay any one of the subsequent three instalments when each one of them falls due and becomes payable, the accused shall forfeit the benefit of time being herein granted to him and the said fine (*multa*) of €1,000 in whole or any balance thereof, shall immediately become due and payable by him and failure to pay the same shall give rise to the application of Section 14 of Chapter 9 of the Laws of Malta.

In terms of Sections 370(6) and 392A of Chapter 9 of the Laws of Malta, the Court orders that the Attorney General be granted access by electronic means to a scanned copy of the records of these proceedings, together with a scanned copy of this judgement, within six (6) working days.

MAGISTRATE

DEPUTY REGISTRAR