



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

**The Police  
(Inspector Warren Galea)**

**Vs**

**Fraser Charles Aspeling**

**Today, 27<sup>th</sup> June 2024**

**The Court,**

Considered the charges brought against **Fraser Charles Aspeling**, twenty eight (28) years of age, son of Joanna and unknown father, born in Southampton on the 1<sup>st</sup> of July 1995, temporarily residing at Room 734, Odyssey Hotel, Triq il-Qawra, St.Paul's Bay, and holder of British Passport Number 146251579, of having on the 26<sup>th</sup> of June 2024, between 02:00hrs and 03:10hrs in the morning at Odyssey Hotel, Triq il-Qawra, St.Paul's Bay and/or in the Maltese Islands:

1. Reviled, or threatened, or caused a bodily harm on PS419 Anton Buttigieg, PC125 Tristen Azzopardi and PC481 Nathan Frendo, persons lawfully charged with a public duty, 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 and this in violation Section 95 of Chapter 9 of the Laws of Malta;
2. Disobeyed the lawful orders of PS419 Anton Buttigieg, PC125 Tristen Azzopardi and PC481 Nathan Frendo persons entrusted with the public service or hindered or obstructed same whilst in the exercise of their duties or of having unduly interfered with the exercise of such duties and this in violation Section 338(ee) of Chapter 9 of the Laws of Malta;
3. Disturbed public peace and good order with shouting and/or fighting and this in violation Section 338(dd) of Chapter 9 of the Laws of Malta;

Considered the request by the Prosecution to provide for the safety of PS419 Anton Buttigieg, PC125 Tristen Azzopardi and PC481 Nathan Frendo during the proceedings of this case and in case of guilt apply Sections 382A, 383, 384 or 384 of Chapter 9 of the Laws of Malta against the accused in their favour;

Considered the documents submitted by the Prosecution namely: (i) a photocopy of the accused's passport marked as Doc. "A"; (ii) the Conviction Sheet of accused marked as Doc. "B"; (iii) the Police Incident report marked as Doc. "C"; (iv) a declaration of refusal of the right for legal assistance by the accused marked as Doc. "D" and (v) a statement given by the accused by audiovisual means marked as Doc. "E";

Heard the accused, upon being asked by the Court what he pleads to the charges brought against him, plead guilty to the charges brought against him, which guilty plea was confirmed by him even 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 his 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 26<sup>th</sup> of June 2024, between 02:00hrs and 03:10hrs in the morning, at Odyssey Hotel, Triq il-Qawra, St.Paul's Bay and/or in the Maltese Islands: (1) Reviled, or threatened, or caused a bodily harm on PS419 Anton Buttigieg, PC125 Tristen Azzopardi and PC481 Nathan Frendo, persons lawfully charged with a public duty, 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, and this in violation Section 95 of Chapter 9 of the Laws of Malta; (2) Disobeyed the lawful orders of PS419 Anton Buttigieg, PC125 Tristen Azzopardi and PC481 Nathan Frendo persons entrusted with the public service or hindered or obstructed same whilst in the exercise of their duties or of having unduly interfered with the exercise of such duties and this in violation Section 338(ee) of Chapter 9 of the Laws of Malta; (3) Disturbed public peace and good order with shouting and/or fighting and this in violation Section 338(dd) of Chapter 9 of the Laws of Malta.

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

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

Now therefore after considering Sections 31, 95, 338(dd), 338(ee) 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 however, having regard to the circumstances of the case, including the nature of the charges brought against the accused and the character of the accused, who has a clean Maltese conviction sheet, and deeming that it is not expedient to inflict punishment and a Probation Order, a Community Service Order or a Combination Order are not appropriate in this case, in terms of Section 22 of Chapter 446 of the Laws of Malta, the Court is discharging the accused subject to the condition that he does not commit another offence during the period of one (1) year from date of this judgement.

In terms of Section 22(3) of Chapter 446 of the Laws of Malta, the Court explained to the accused in ordinary language that if he commits another offence during the period of one (1) year conditional discharge set above, he will be liable to be sentenced for the original offences.

The Court is also imposing on the accused a fine (*multa*) of eight hundred Euro (€800).

**MAGISTRATE**

**DEPUTY REGISTRAR**