



Court of Magistrates (Malta) as a Court of Criminal Judicature

CASE NO. 1734/2024: THE POLICE (INSPECTOR DARRYL FARR) V. SEAN JAMES MC CARTHY (UK PASSPORT 139304590)

MAGISTRATE: DR. VICTOR G. AXIAK

23 August 2024

THE COURT,

having seen the charges preferred against Sean James McCarthy, aged 21 years, born in United Kingdom on the 6th June 2003, son of James and Tacy nee' Ashton residing at lkyk Hotel, RM 503, Triq Wilga, St.Julian's holder of passport number 139304590 ("the accused"), who was arraigned before the Court earlier today the 23rd day of August 2023 and charged with having, earlier this morning at around 03:00am and in the previous time in St. George's Street, St. Julians and/or in the vicinity:

- 1. Reviled, threatened or caused a bodily harm to PC2029 Jurgen, as persons charged with a public duty, whilst in the act of discharging such duty or because of having discharged such duty.**
- 2. Also for having, on the same dates, during the same times, at the same places and in the same circumstances even though in a state of intoxication, publicly uttered any obscene or indecent words, or made obscene acts or gestures, or in any other manner not otherwise provided, offended against public morality, propriety or decency.**
- 3. Also for having, on the same dates, during the same times, at the same places and in the same circumstances disobeyed the lawful orders of any authority or of person entrusted with a public service, or hindered or obstructed such persons in the exercise of their duties.**
- 4. Also for having, on the same dates, during the same times, at the same places and in the same circumstances wilfully disturbed the public good order or the public peace**

5. **Refused to give, or untruthfully gave to any public officer or any other person entrusted with a public service in the actual exercise of his duties, his name, surname, address and other particulars.**

having seen that in the sitting held this morning the accused pleaded guilty to the charges brought against him and the Court thereafter explained the consequences of the admission to the accused and postponed the case to ensure that the accused consults his lawyer once again and reconsider his decision,

having seen that when the case was called once again the accused reiterated his admission to the charges brought against him,

having heard submissions on punishment,

having seen all the acts of the case,

gives the following

Judgement

1. The Court considers that there is agreement between the Prosecution and the Defence that notwithstanding the seriousness of the offences committed by the accused against a public officer, a non-custodial punishment would suffice particularly in view of the early plea of admission and the remorse expressed by the offender.

Decision

For these reasons, having seen the relevant provisions of the law (Articles 95, 338(bb), 338(ee), 338(dd) and 338(g) of Chapter 9 of the Laws of Malta) the Court finds the accused guilty of all the charges brought against him upon his admission and condemns him to pay a fine (*multa*) of one thousand euro (€ 1,000).

V.G. Axiak
Magistrate

Y. M. Pace
Dep. Registrar