



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

MAGISTRATE DR MARSE-ANN FARRUGIA LL.D.

Sitting held today Friday 6th September 2024

**The Police
(Inspector Gabriel Kitcher)**

vs

Patrick Mc Donagh

The Court:

1. Having seen charges brought against:

Patrick Mc Donagh of 42 years, son of John and Mary nee' Delaney, resident at 140, 'Redeemer', Ditch Street, Paola, holder of ID Card Number 0107683A, born in Ireland on the 12th of May 1982

Charged with having, on the night between the 4th and the 5th of September 2024, at the Paola Health Centre in Hal Saflieni Street Paola, and/or in the vicinity:

1. He reviled, or threatened, or caused a bodily harm to 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, and this in breach of Article 95 of the Criminal Code, Chapter 9 of the Laws of Malta.

2. Moreover, on the same dates, times, locations, and circumstances, without the intention to kill or to place the life of PC 860 Liam Ciantar in manifest danger, caused him bodily harm or injury to his health, the nature of which is considered slight as certified by Dr. Maxine Ciantar, Med Reg 4872 from Mater Dei Hospital, when he was a public officer or was lawfully charged with a public duty or is or was an officer or employee of a body corporate established by law and the offence was committed because of that person having exercised his functions and this in breach of Article 214, 221 and 222 (1) (c) of the Criminal Code, Chapter 9 of the Laws of Malta.
3. Moreover, on the same dates, times, locations, and circumstances, he assaulted or resisted by violence or active force not amounting to public violence, 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, and this in breach of Article 96 (a) of the Criminal Code, Chapter 9 of the Laws of Malta.
4. Moreover, on the same dates, times, locations, and 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 for in this Code, offends against public morality, propriety or decency, and this in breach of Article 338 (bb) of the Criminal Code, Chapter 9 of the Laws of Malta.
5. Moreover, on the same dates, times, locations, and circumstances, in any manner not otherwise provided for in this Code, wilfully disturbed the public good order or the public peace, and this in breach of Article 338 (dd) of the Criminal Code, Chapter 9 of the Laws of Malta.
6. Moreover, on the same dates, times, locations, and circumstances, he disobeyed the lawful orders of any authority or of any person entrusted with a public service, or hinders or obstructs such person in the exercise of his duties, or otherwise unduly interferes with the exercise of such duties, either by preventing other persons from doing what they are lawfully enjoined or allowed to do, or frustrating or undoing

what has been lawfully done by other persons, or in any other manner whatsoever, unless such disobedience or interference falls under any other provision of this Code or of any other law, and this in breach of Article 338 (ee) of the Criminal Code, Chapter 9 of the Laws of Malta.

7. Moreover, on the same dates, times, locations, and circumstances, in any public place or place open to the public, was found drunk and incapable of taking care of himself; or in any public place or place open to the public, being in charge of a child under the age of seven years, or of any horse, mule or ox, or steam engine, or of any vehicle, is manifestly in a state of intoxication, or, being in such a state, causes any annoyance or disturbance, or is in possession of firearms, or refuses to quit any wine and spirit shop, inn, tavern or lodging-house, or attempts to enter any passenger boat or vessel or other vehicle, or refuses to quit such boat, vessel or other vehicle notwithstanding the warning of the person in charge thereof not to enter into or to quit such boat, vessel or other vehicle and this in breach of Article 338 (ff) of the Criminal Code, Chapter 9 of the Laws of Malta.

The Court was requested that, in the case of a finding of guilt, it condemns the guilty party to the payment of expenses related to the appointment of experts or consultants in the proceedings, as contemplated in Article 533 of Chapter 9 of the Laws of Malta.

The Court was requested that, in addition to applying the punishment according to the law, it also applies Articles 383, 384, 385, and 412C of Chapter 9 of the Laws of Malta for the protection of the witnesses of the prosecution as indicated in the Police report.

2. Having seen the consent of the Attorney General in terms of Article 370(4) of the Criminal Code for this case to be dealt with summarily and having heard the defendant declare that he has no objection that his case be dealt with in this manner.
3. Having heard the evidence and saw all the records of the case and the documents exhibited.
4. Having seen that in today's sitting, the defendant registered a guilty plea to all the charges preferred against him.

5. The Court warned the defendant of the serious consequences of his admission and that the maximum penalty for the charges preferred against him is 5 years imprisonment and a fine of twelve thousand and five hundred euros (€12,5000).
6. The Court suspended the sitting so that the defendant could consult with his defence lawyer to see whether he wanted to retract his guilty plea.
7. When the case was called again, the Court asked the defendant whether he had enough time to consult his defense lawyer and he answered in the affirmative. The Court asked the defendant whether he was going to confirm his guilty plea, the defendant replied in the affirmative.
8. The Court heard the submissions by the parties on punishment.

Considerations of this Court

9. In view of the guilty plea registered by the defendant himself, the Court finds the defendant guilty of all the charges preferred against him.
10. As regards punishment, the Court took into account the fact that the defendant cooperated with the Police, and registered a guilty plea at a very early stage of the proceedings, and hence he did not waste time and money of the Police and of this Court.
11. The defendant has been living in Malta for eleven (11) years, and this is his first brush with the law. He apologised for his conduct, which was triggered by his problem of alcohol abuse – a problem which has to be addressed.

Conclusion

12. In view of the abovementioned reasons, the Court:

1. after seeing Articles 95, 214, 221(1), 222(1)(c), 96(a), 338(bb), 338(dd) and 338(ee) and 338(ff) of the Criminal Code, Chapter 9 of the Laws of Malta finds the defendant guilty of all charges preferred against him, but in the light of the all the circumstances of the case and by applying Article 7 of Chapter 446 of the Laws of Malta, the Court is putting the defendant under a Probation Order for a period of three (3) years from today, with the strict conditions which are being imposed in the Probation Order herewith annexed, which forms an integral part of this judgement.

13. The Court warned the defendant in simple language that if he commits another offence during the period of the Probation Order, or if he fails to abide by one of the conditions stipulated in the Probation Order, he can be condemned for the offences for which this Order has been issued, and the defendant has expressed his will to abide by the conditions of this Order.

14. The Court orders that a copy of this judgement, including the Probation Order herewith annexed be sent to the Director of Probation Services and Parole.

Magistrate

Doreen Pickard
Deputy Registrar