



**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
Magistrate Dr Astrid May Grima B.A. LL.D. Adv. Trib. Eccles. Melit.**

Today, 17th October 2024

Comp. No. 601/2023

**The Police
(Inspector Sarah Kathleen Zerafa)**

vs

**Vincent Falzon
(ID card number 38584M)**

The Court,

After having seen the charges brought against Vincent, holder of Maltese Identity Card number 38584M.

Charged with having on the 2nd August 2023 at about between 02:00hrs and 06:00hrs, from Triq is-Serkin, Marsa, and/or Sqaq l-Istalel, Marsa and/or in the vicinity;

1. Without intent to kill or to put the life of any person in manifest jeopardy, caused harm to the body or health of Osman Sedike Idrisa, which bodily harm is considered grievous as certified by Dr Charlene Bondin;
2. Committed theft of mobile and/or other objects, aggravated by time, to the detriment of Valentina Schembri and/or other individuals;
3. Assaulted or resisted by violence or active force not amounting to public violence, persons lawfully charged with a public duty when in the execution of the law or of a lawful order issued by a competent authority;

4. Reviled, threatened or caused bodily harm to persons lawfully charged with a public duty, while in the act of discharging their duty or because of having discharged such duty, or with intent to intimidate or unduly influence them in the discharge of such duty;
5. Caused harm to the body or health of PC 606 Joseph Ellul, which bodily harm is considered slight as certified by Dr Sheriseane Diacono;
6. Disobeyed the lawful orders of any authority or of any person/s entrusted with a public service, or hindered or obstructed such person/s in the exercise of their duties, or otherwise unduly interfered 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;
7. Attempted to use force against Valentina Schembri with intent to insult, annoy or hurt her or others;
8. In a public place or open to the public, was found drunk and incapable of taking care of himself;
9. Publicly uttered obscene or indecent words, or made obscene acts or gestures, or in any other manner offended against public morality, propriety or decency;
10. Wilfully disturbed the public good order or the public peace;
11. And also of recidivism in terms of articles 49 and 50 of the Laws of Malta by means of judgements of the Court which judgements became final and cannot be changed or revoked.

This Honourable Court is kindly requested, for the purpose of providing for the safety of the persons involved and/or for the keeping of the public peace or for the purpose of protecting the same from harassment or other conduct which will cause a fear of violence, issue a protection order against Vincent Falzon, and this in terms of Article 412C of Chapter 9 of the Laws of Malta.

The Court is also requested to provide for the safety of the persons involved as provided in articles 382A and 383 of Chapter 9 of the Laws of Malta.

The Court is finally requested to order in case of guilt, the accused to pay costs related to the appointment of experts in the proceedings as contemplated in article 533 of Chapter 9 of the Laws of Malta.

Having seen all the documents presented in the acts of the proceedings.

Having heard all the witnesses.

Having seen that the accused registered a guilty plea to all the charges brought against him during the sitting of the 4th July 2024.

Having heard submissions of both parties regarding the punishment.

Considered

Whereas during the sitting held on the 4th July 2024, in the presence of his Lawyer, the accused pleaded guilty to all the charges brought against him, notwithstanding the fact that the Court warned him in the most solemn manner of the legal consequences of his guilty plea, and after having given him sufficient time within which to reconsider and withdraw his guilty plea.

Having heard the accused reiterate his guilty plea, after the Court warned him of the punishment and consequences such an admission entailed.

Having heard the guilty plea of the accused to all the charges brought against him, the Court has no alternative but to declare the accused guilty of the said charges.

Decide

For the said reasons the Court, after having seen Article 7, 31, 49, 50, 95, 96(a), 214, 216(1)(c), 221(3)(b), 261(f), 270, 281(a), 338(bb)(dd)(ee)(ff) and 339(d) of Chapter 9 of the Laws of Malta, **finds the accused Vincent Falzon guilty** of all the charges brought against him, **and condemns him to twelve (12) months effective imprisonment and also to the payment of a fine multa of four thousand Euro (€ 4,000).**

Also in terms of **Article 412C** of Chapter 9 of the Laws of Malta, the Court is issuing a **Protection Order** against the offender **Vincent Falzon** for a period of **two (2) years** from today for the protection of **Osman Sedike Idris, Valentina Schembri** and **PC606 Joseph Ellul**. The Court explained to the offender **Vincent Falzon** in plain language, his liabilities according to the conditions imposed by the Protection Order, which decree is being

attached to this judgement, also forming an integral part of the same judgement.

Furthermore, in addition to the punishment being inflicted, the Court in terms of **Article 383** of Chapter 9 of the Laws of Malta, orders **Vincent Falzon** to keep the peace with **Osman Sedike Idris, Valentina Schembri** and **PC606 Joseph Ellul** and in order to provide for the safety of the said persons, orders **Vincent Falzon** to enter into his own recognisance in the sum of two thousand Euro (€2,000). This obligation is to remain in force for a period of twelve (12) months from today.

The Court is ordering that a copy of this Judgement together with the Protection Order Decree is notified to the Commissioner of Police.

The Court is also ordering that in accordance with Article 392A(2) of Chapter 9 of the Laws of Malta, the Attorney General is given access to a scanned copy of the Acts of the Proceedings together with a scanned copy of the Judgement within six (6) working days.

Dr. Astrid May Grima B.A. LL.D. Adv. Trib. Eccles. Melit.
Magistrate