



**Court of Magistrates (Malta)
As a Court of Criminal Judicature**

Magistrate Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)

St. Julians District Sitting

The Police

-vs-

Lazar Mitic, bearer of identity card no. 208414A

Case No. 2065/24

Today the 21st day of October, 2024

The Court,

Having seen that the defendant, Lazar Mitic, was charged with having:

On the 26th September 2021, between 19:30hrs and 20:20hrs in Naxxar Road, San Gwann, and other areas in the Maltese Islands:

1. Assaulted or resisted by violence or active force not amounting to public violence, any person being PC1505, lawfully charged with a public duty when in execution of the law or of a lawful order issued by a competent authority.
2. Any also in the same place, time, date and circumstance, reviled, or threatened, or caused a bodily harm to any person lawfully charged with 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.

3. Any also in the same place, time, date and circumstance disobeyed lawful orders of any authority or of any person entrusted with a public service, being PC1505, or hindered or obstructed such person in the exercise of his 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 manner whatsoever, unless such disobedience or interference falls under any other provision of this code or of any other law.
4. Any also in the same place, time date and circumstance, wilfully disturbed the public good order or the public peace.
5. Any also in the same place, time, date and circumstance, even if in a state of intoxication, publicly uttered any obscene or indecent words, or made obscene acts or gestures or in any manner not otherwise provided for in this code, offends against public morality, propriety or decency.
6. Any also in the same place, time, date and circumstance, in the harbours, on the seashore or in any other public place, exposes himself naked or is indecently dressed.

Whereas this case was assigned to this Court as presided through the “Assignment of a Case” by His Honour The Chief Justice dated the 2nd February, 2024.

Whereas on the 15th May, 2024 this Court as presided, held its first sitting.

Having heard witnesses.

Having seen all the acts and documents exhibited.

Having heard the prosecution and defence counsel make their final submissions.

Preliminary Submissions

The charges numbered three to six, both included, are time-barred given that the defendant was notified with the summons in the English language on the 23rd June 2022.

Having considered,

PC1505 and PC266 gave a detailed account as to how events unfolded at the Kebab shop and in the police car whilst making their way to the Police Station. Such events led the police to charge the defendant, *inter alia*, with offences contemplated in articles 95 and 96 of the Criminal Code. PS790 and PC1221 proceeded to describe the defendants conduct whilst he was detained at the St. Julians's Police Station.

It results that the defendant was initially cooperating with the police but at one point he became agitated and was acting errantly, where it was difficult to communicate with him, *"mid-dehra in his blabbering of words jew kien arrestat xi darba qabel ... u qisu ma aċċettax l-fatt li reġa ikkommetta xi haġa li jrid jiġi arrestat għaliha"*.¹ The officers recounted how Mitic was incoherent and became aggressive towards them so much so that whilst resisting arrest, PC1505 hurt his shoulder. PC1505 states, *"beda jiġi ma wiċċi kull darba jkellimna, u jaqbadli l-camera minn hawnhekk u jipponta subaġħ ma sidri.....wara hu baqa jipprova jidħol [fil-ħanut] saħansitra li qabad mal-ħġieġ u ggranfa miegħu qabad mal-ħġieġ u baqa jirreżisti l-arrest u ġie arrestat minn hemmhekk. beda jgħidli li qed nagħmel l-arja bl-uniformi tiegħi u beda jinstigani biex niġġieled miegħu u nneħħu l-uniformi u niġġieled miegħu u ha nikkwotah "Man to Man". Waqt illi qeghdin fil-karozza baqa jinstigana l-istess biex inehħu l-uniformi u niġġieldu miegħu ... Mis-seat ta' wara beda jagħti bis-sieq fuq is-seat ta' quddiem."*

PC266 whilst corroborating PC1505's version of events adds, *"reġa' pprova jidħol fil-ħanut u din ir-raġuni tal-arrest. Arrestajnieh....beda jgħidilna li qeghdin nabbużaw mill-poter u ...biex ninzġħu l-uniformi u niġġieldu raġel kontra raġel....PC1505 ... waqt l-arrest wegġa spalltu."* Whilst detained at the police station, Mitic could be seen laughing one minute whilst getting agitated the next, leading the police to describe him as acting hysterically, *"u mbagħad jinstabat beda jipprova jiġifieri. Isteriku kien l-aġir tiegħu.... ħawwad ħafna fi kliemu"*.² **PC1221 Noel Mifsud** makes mention of the fact that Mitic *"kien qiegħed fi stat ta' aġitazzjoni... Dak it-tip li kien qed jinstabat mal-art, jgħajjat. Dak il-ħin baqa jkun provokattiv lejn il-kollegi tiegħi u lejn kulhadd bażikament"*.

A certificate issued by the Floriana Health Centre states that PC1505 suffered slight injuries.

¹ Testimony of **PS790 Nathan Zerafa**

² Per **PS790 Nathan Zerafa**

Having also considered,

The court examined PS266's bodycam footage which shows Mitic in the police car and at the police station. Another footage was obtained from EFE Kebab and it is this footage which disturbed the Court in no small manner.

For whereas PC1505 and PC266 state that the defendant entered the shop whilst they were talking to the couple who had reported the altercation, the footage belies those statements and reveals that the said officers had proceeded to sit down for a meal when Mitic re-appeared on scene, this time wearing a vest! Why leave out such an innocuous detail of their stopping for a bite? The Court believes that the reason for doing so was that this was the only way for them to justify their not having taken the couple's details as it is readily obvious that they had ample time to do so. It is blatantly untrue their stating that they omitted doing so because the incident, namely the resistance by Mitic of his arrest, happened so quickly that by the time they had settled him down in the police car the couple had left.

Let it be stated at the onset, Mitic did not resist arrest and the footage betrays their version that the couple left whilst they were handling Mitic!!

In fact, in the footage titled localhost_4, which portrays the cash register area, the officers can be seen at the table next to the cash register, and it is Mitic who approaches them and is visibly nervous and agitated when he keeps holding his hand up, fist clenched as if one is holding something whilst at the same time pointing in the direction behind him. Had the police bothered not to remain seated, did their job and took the couple's details, given that Mitic was clearly protesting at something which had happened, their affidavits and testimony would not have been riddled with inaccuracies and indeed, outright lies!

The footage shows the first constable taking a seat at 19:54:30 hrs with the other joining him after bringing a drink over to their table at 19:55: 26 hrs. At 19:56:53 hrs Mitic approaches them and they are served their meals at 19:58:04 hrs. It is at 19:58:45 hrs that they get up from the table not to speak to whoever Mitic was pointing to, but to escort him outside and this is where the footage, showing the entrance to the shop, continues to belie the constables' version that Mitic resisted arrest which resistance led to PC1505 suffering slight injuries.

In fact reviewing the footage titled localhost_02, shows Mitic calmly and composed talking to officers although his conduct evolves to a more unruly one when he paces up and down visibly anxious when talking and at one

point, marking the beginning of the escalation, he pokes a constable in the chest with his index finger. Soon after it appears that the police were instructing him not to approach the shop and he relents for a few seconds but suddenly darts toward the entrance and is stopped on its doorstep. This is where he is handcuffed and **offers no resistance whatsoever**.

The footage continues to contradict PC1505's testimony that he suffered injuries as he was attempting to arrest Mitic when he hit the glass door. From the said footage, there is no evidence at all that PC1505 at any moment in time came into contact with the glass door or the glass frontage itself for that matter!

It is truly a shame that these officers decided not to give a faithful account of that evening's events for they handled the defendant impeccably and were making headway calming him down and in the process preserving law and order.

Police Officers undoubtedly are deserving of society's respect and adherence to their orders and guidance in observance to the Rule of Law which governs that society. However, it is truly disheartening when officers themselves are the cause of the undermining of that respect, when they veer from the truth, when honesty is compromised, the more so for menial reasons. Where the scrupulous observance to the legislative framework within which they execute their functions together with any standing operating procedures is undercut by such thoughtless actions, it is the Police Corps as a whole which is undermined.

Furthermore considered,

This Court, as differently presided, in **Il-Pulizija vs Daniele Festari u Redeemer Bonnici** examined in depth the offences contemplated by articles 95 and 96 of the Criminal Code, offences with which the defendant is being charged:³

Illli bid-dovut rispettt, il-ġurisprudenza tgħallem li Pulizija mhux qiegħed hemm biex targumenta miegħu jew biex jiġi użat minflok "punching bag", kif b'xorti tażżina qiegħed jidher li qiegħed jiġri tul dawn l-aħħar snin. Għalkemm huwa fattur pożittiv li matul is-snin saret kampanja sħiħa ta' għarfien liċ-ċittadini dwar x'inhuma d-drittijiet tagħhom li jtnisslu minn għixien f'soċjeta' ħielsa u demokratika, matul din it-triq però tażżina mill-istess ċittadini innew warajhom x'inhuma l-obbligati tagħhom lejn is-soċjeta' u x'inhum r-rispett lejn l-Awtorita'

Il-ġurisprudenza tgħallem li mal-Pulizija ma targumentax, anke jekk wieħed iħoss li l-azzjoni tagħhom mhix ġusta. L-imputat kien fid-dmri li, mingħajr paroli u xenati żejda, jobdi l-ordnijiet

³ Per Onor. Maġistrat Aaron Bugeja; Seduta 30 ta' Settembru, 2015

legittimi li kienu ġew mogħtija lill mill-Pulizija sabiex jitlaq minn fuq il-post mingħajr aktar inkwiet. L-ordnijiet legittimi mogħtija mill-Pulizija liċ-ċittadin ma humiex hemmhekk biex jiġu kkonstestati, argumentati, mkasbra jew injorati sommarjament mir-riċevent għax hekk iħoss jew għax hekk jidhirlu. Dawn l-ordnijiet legittimi qeghdin hemmhekk biex jiġu obduti – dejjem u mingħajr dewmien, għalkemm bla preġudizju għad-dritt ta' dak li jkun li jirreklama **wara** l-ġustizzja intrinseka ta' dik l-ordni.⁴ Altrimenti kieku dan ma kienx hekk kien ikun ifisser li kull persuna jkollha l-jedd taġixxi kif trid u kif jogħġobha mingħajr ħadd ma jista' jzommha jew irazzanha:- kulħadd jagħmel li jrid u jogħġbu ikunu xi jkunu l-azzjonijiet tiegħu. Bid-dovut riġett għal min jaħseb hekk, din hija filosofija li twassal biss għall-kaos u fejn allura tirrenja l-liġi tal-gungla u mhux l-Istat tad-Dritt.....

Iżda anke jekk għall-grazzja tal-argument Bonnici kellu raġun iħossu ingustament arrestat, ir-reazzjoni tiegħu ma kellhiex tkun dik deskritta mill-Pulizija li xehdu f'dan il-każ. L-iżball li għamel l-imputat kien li meta ħassu aggravat bid-deċiżjoni tal-Pulizija huwa ma rrikorriex għall-metodu legali biex jagħmel ir-rimozioni tiegħu ċjoe li **jobdi l-ordni legittimu mogħti mill-pulizija bla dewmien, salv id-dritt li wieħed jirreklama dwar il-ġustizzja intrinsika ta' dik l-ordni**. Kieku għamel hekk l-effetti ta' dan l-inċident ma kienux ikunu daqshekk gravi kontrih. Iżda b'xorti ħażina l-imputat ma għamilx hekk u għażel li jhalli t-tempra tagħmel bih, u rrikorra għal aktar minn sempliċi rimozioni. U jekk kellu raġun, issa spiċċa li poġġa lillu nnifsu fit-tort.

Issa għalhekk f'dan il-każ ta' Redeemer Bonnici l-Qorti tqis li għandu japplika dak li għalliem l-Imħallef William Harding fil-każ **Il-Pulizija vs John Mallia** deċiż nhar il-21 ta' Mejju 1960 fejn qal li :-

Jekk wieħed jindahal fid-doveri tal-pulizija u juza mhux biss "vie di fatto", imma vjolenza effettiva allura hu jkun hati ta' attakk u rezistenza lill-Pulizija a differenza tal-każ, fejn ikun hemm sempliċi kliem oltragguz jew sempliċi minacci jew "mera inazione". Fil-każ tal-persuna li tkun f'idejn il-Pulizija jista' talvolta jkun hemm certa tolleranza, billi dik il-persuna tkun qeghda tirrezisti lill-Pulizija għax tkun spinta mix-xewqa naturali tal-liberta' proprja; imma din it-tolleranza tispicca malli dik il-persuna tispingi jdejha fuq il-membri tal-Pulizija li jkunu qeghdin izommuha biex toffendihom fil-persuna tagħhom u tmur oltre s-sempliċi sforz biex tevadi l-arrest.

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Il-Qorti terġa ttenni dak mistqarr aktar il-fuq fis-sentenza ġja ċitata **Il-Pulizija vs John Mallia** deċiż nhar il-21 ta' Mejju 1960 fejn l-Imħallef Harding qal li :-

Fil-każ tal-persuna li tkun f'idejn il-Pulizija jista' talvolta jkun hemm certa tolleranza, billi dik il-persuna tkun qeghda tirrezisti lill-Pulizija għax tkun spinta mix-xewqa naturali tal-liberta' proprja; imma din it-tolleranza tispicca malli dik il-persuna tispingi jdejha fuq il-membri tal-Pulizija li jkunu qeghdin izommuha biex toffendihom fil-persuna tagħhom u tmur oltre s-sempliċi sforz biex tevadi l-arrest.

Jirriżulta li meta seħħ dan l-inċident u ps 887 ġie mbuttata lura, huwa kien qiegħed fil-mument tal-eżekuzzjoni tad-doveri tiegħu kif ukoll jeżerċita setgħa fil-vesti tiegħu ta' persuna inkarigata minn servizz pubbliku. Il-Qorti ssib ukoll li l-Pulizija de quo, għar-ragunijiet hawn fuq imsemmija, ġie attakkat (jew aħjar attakkati – għax kien hemm aġenti tal-pulizija oħra li sofrew konsegwenzi)

⁴ Per S.T.O. Prim Imħallef Vincent De Gaetano, **Il-Pulizija vs Maria Victoria Sive Marvic Attard Gialanze**; Qorti tal-Appell Kriminali; Seduta 25 ta' Ġunju 1997.

bi vjolenza jew b'hebb ta' xorta li ma titqiesx vjolenza pubblika, **fil-waqt** li kien qed jaġixxi għall-eżekuzzjoni tal-ligi jew ta' ordni mogħti skond il-ligi mill-awtorità kompetenti.

Din l-intepretazzjoni tal-konkomitanza bejn il-waqt ta' meta l-uffiċjal pubbliku jkun qiegħed jaġixxi għall-eżekuzzjoni tal-ligi u l-attakk jew rezistenza hija sorretta kemm mill-ġurisprudenza kif ukoll mid-dottrina. Hekk per eżempju fis-sentenza tal-Qorti tal-Appell Kriminali fil-każ ***II-Pulizija vs Lawrence Attard*** deċiż mill-Prim Imhalef Emeritus Vincent de Gaetano nhar it-12 ta' Settembru 1996 ingħad li :

biex jissussisti r-reat ikkontemplat fl-artikolu 96 tal-Kodici Kriminali (re:attakk jew rezistenza kontra uffiċjal pubbliku) irid ikun hemm mhux biss attakk jew opposizzjoni ossia rezistenza kontra persuna inkarigata skond il-ligi minn servizz pubbliku, iżda ukoll li dana l-attakk jew rezistenza isir bi vjolenza jew b'hebb u jsir waqt li dik il-persuna tkun tagixxi għall-eżekuzzjoni tal-ligi jew ta' ordni mogħti skond il-ligi mill-awtorità kompetenti. Meta uffiċjal tal-pulizija jintima li jkun ser jarresta lil xi hadd, jew ikun effettivament qed jipprocedi biex jarresta lil xi hadd, jew ikun ga' arresta u qed izomm lil xi hadd arrestat, huwa jkun certament qiegħed jesegwixxi l-ligi. Izda meta uffiċjal tal-pulizija jkun qiegħed jipprova jipperswadi lil xi hadd bil-kelma t-tajba sabiex iwarrab minn fuq il-post u għalhekk mingħajr ma dak il-pulizija jeżercita s-setgħa tiegħu li jarresta, ma jistax jingħad li dak il-pulizija jkun qed jagixxi "għall-eżekuzzjoni tal-ligi" fis-sens ta' l-artikolu 96, għalkemm huwa jkun qiegħed jagħmel is-servizz pubbliku tiegħu fis-sens ta' l-artikolu 95.

Inoltre, fil-każ ***II-Pulizija vs Joseph Zahra***, deċiż nhar id-9 ta' Settembru 2002 mill-Qorti tal-Appell Kriminali presjeduta mill-Prim Imhalef Emeritus Vincent de Gaetano intqal li :

Skond l-Artikolu 96(a) tal-Kodici Kriminali jirrikjedi mhux biss li l-vittma tkun "persuna inkarigata skond il-ligi minn servizz pubbliku" (l-istess bhalma jirrikjedi l-Artikolu 95(1)), iżda wkoll li r-reat ikun sar fil-waqt li dik il-persuna hekk inkarigata minn dak is-servizz pubbliku "tkun qed tagixxi għall-eżekuzzjoni tal-ligi jew ta' xi ordni mogħti skond il-ligi minn xi awtorità kompetenti". Din l-espressjoni hi differenti minn dik uzata fl-Artikolu 95(1) - "waqt li jkun jagħmel jew minhabba li jkun għamel dan is-servizz, jew bil-hsieb li jbezzgħu jew li jinfluwxu fuqu kontra l-ligi fl-eżekuzzjoni ta' dan is-servizz.

Oltre minn hekk l-istess interpretazzjoni dwar il-konkomitanza tidher li tingħata mid-dottrina. Minbarra dak imsemmi mill-Professur Mamo fin-Noti tiegħu, hekk kif is-silta l-aktar rilevanti ġiet citata mill-abbli Avukat Difensur fin-nota ta' sottomissjonijiet tiegħu, jirrizulta wkoll minn diversi awturi li din ir-rabta mal-waqt li jkun hemm l-eżekuzzjoni tal-ligi hija meħtieġa. Hekk per eżempju fil-**"Commentario Teorico-Pratico del Codice Penale"**, Torino, 1860, fol 361, il-**Farrarotti**, waqt li jikkommenta inter alia fuq id-disposizzjonijiet simili fil-Kodici Penali ta' diversi Stati Taljani, inkluż dak tar-Regno delle Due Sicilie (li kien jipprovdi għar-reat ta' "ribellione" li fuqu l-Artikolu 96 tal-Kodici Kriminali Malti jidher modallat), jagħti s-segħenti eżempju : -

8. Giusta la generale disposizione di questo articolo, si verifica reato di ribellione tuttavolta venga commesso omicidio sulla persona di un carabiniere reale, **nell'atto stesso ch'egli agisce per l'esecuzione delle leggi e degli ordini dell'autorità pubblica e trovasi così nell'attuale esercizio delle sue funzioni** – Cass. 31 marzo 1857, ricorso Orsi ed altri – Bettini 1857, Parte 1, p. 318, seg." (Enfazi mizjuda).

Skont il-**Carrara**, fil-**Programma**, Parte Speciale, Volume 5, Lucca, 1868, f'pagni 357 u 358, paragrafi 2743 u 2744 jirriżulta car li dan ir-reat ta' "resistenza" – (li huwa jippreferi jsejjaħ minflok "ribellione" u dan fuq it-tagħlim tal-**Carmignani**) li hija fil-baži ta' dan ir-reat trid issir fil-konfront tal-uffiċjali eżercenti awtorita pubblika u l-elementi materjali u formali iridu jiġu riflessi l-eżerċizzju tal-azzjoni pożittiva ta' kommissjoni li turi "l'antagonismo di due forze che vicendevolmente tendono a conflittarsi" u cioè l-*vires* privat ma dak pubbliku. Din il-Qorti tifhem għalhekk antagoniżmu li allura jippresupponi konkomananza fl-eżerċizzju tiegħu.

In Il-Pulizija vs Sean Sinclair Pace the Court of Criminal Appeal stated:⁵

Illi l-artikolu 95 jikkonferma dwar l-ingurja, it-theddid jew l-offiza fil-konfront ta' l-uffiċjal pubbliku. Issa din l-ingurja, theddida jew offiza trid issir jew (1) filwaqt illi l-uffiċjal pubbliku ikun qed jagħmel servizz pubbliku (2) jew inkella minhabba li ikun għamel dana is-servizz pubbliku, (3) jew bil-ħsieb li ibezżgħu jew jinfluwixxi fuqu kontra l-ligi fl-eżekuzzjoni ta' dak is-servizz.

Illi l-awturi jagħmlu distinzjoni bejn il-motiv wara l-oltragg fl-ewwel istanza u dana il-motiv fit-tieni u it-tielet istanza imsemmija fil-ligi. Dana billi meta dan l-oltragg isir fil-mument illi l-uffiċjal pubbliku ikun qiegħed jagħti is-servizz ma huwiex necessarju illi l-ingurja, it-theddid jew l-offiza tkun marbuta mal-funzjoni illi huwa ikun qiegħed jeżerċita. L-awturi **Cheveau et Helie**, li isemmi il-**Professur Mamo** fin-notamenti tiegħu, iġid:

"Quando l'oltraggio si verifica nel corso delle funzioni, il-motivo che lo determina e' indifferente; la legge vede soltanto il turbamento, l'ingiuria fatta all'esercizio delle funzioni, l'insulto che degrada la loro dignita'; avesse pure quest'ingiuria una causa determinante estranea alle funzioni, il turbamento all'esercizio di esse sussisterebbe sempre."

Kuntrarjament fiz-zewg istanzi l-oħra irid ikun jiġi ippruvat *nexus* bejn l-oltragg u il-qadi tal-funzjoni pubblika billi l-att materjali ma ikunx gie kommiss filwaqt tal-qadi tal-funzjoni pubblika.

L-artikolu 96, imbagħad għalkemm ukoll għandu bħala vittma, l-uffiċjal pubbliku, jikkontempla tlett elementi essenzjali għal kostituzzjoni ta' dana ir-reat:

1. Fl-ewwel lok, irid ikun hemm l-attakk jew resistenza. Illi meta ikun hemm biss disubbidjenza tal-ligi jew ta' ordni mogħtija minn xi awtorita', ma tistax tissussisti r-reita taħt din id-disposizzjoni tal-ligi. Il-Mamo ikompli iġid: *"It is only when the insubordination or defiance goes so far as to obstruct the execution of the law or of lawful orders of the competent authority that the crime of attack or resistance can arise. The purpose of the agent in this crime, therefore, must be precisely that of obstructing or frustrating the execution of the law or the lawful orders of the competent authority, by opposing the action of those charged therewith."*

Inoltre l-attakk jew resistenza trid tkun necessarjament akkompjanta bl-uzu tal-forza, vjolenza jew bil-hebb.

2. Fit-tieni lok ir-reat irid jiġi kommiss fil-konfront ta' uffiċjal pubbliku jew kif tgħid testwalment il-ligi "persuna inkarigata skond il-ligi minn servizz pubbliku".

3. Fl-ahharnett huwa necessarju illi l-attakk jew resistenza kontra l-uffiċjal pubbliku irid isir filwaqt illi huwa ikun qiegħed jagħxi għall-eżekuzzjoni tal-ligi jew ta' ordni mogħtija skond il-ligi minn awtorita' kompetenti. Il-Mamo ikompli iġid: *"Therefore, any violence committed after the law or"*

⁵ Appell Numru 519/2015; Per Onor. Imħallef Dr Edwina Grima, 26 ta' Mejju 2016

the order has already been executed, even though it may be on account of such execution, would not give rise to this crime."

These teachings, coupled to the resulting evidence, lead the Court to determine that the offence of which the defendant is to be found guilty of, is that contemplated by Article 95 of the Criminal Code, the second charge but only in so far as the offence of insulting and threatening words are concerned.

Punishment

In its considerations on punishment the Court gave weight to the fact that the defendant was manifestly distressed as witnessed by his cries for his lawyer where he is teary and at times even wailing. The footage showing him at the police station and in the police vehicle demonstrates a man who is visibly in disarray and puzzled over what was happening. There is no real and tangible sign of perilous behaviour, arrogance or animosity towards the officers.

Consideration was given to the fact that these proceedings, being of a summary nature, dragged on since 2021 with no fault being attributed to either the defendant or the prosecution, barring the fact that the defendant rightly demanded to be notified in the English language.

Nonetheless the defendant's attitude, inviting the police to remove their uniforms and fight him in no way can it be condoned or excused, irrespective of his agitated state of mind.

Decide

In view of the foregoing, the Court, having seen article 95 of the Criminal Code, finds the defendant guilty of the second charge and acquits him from the other charges but in terms of Article 22 of the Probation Act, Chapter 446 of the Laws of Malta is conditionally discharging the defendant for a period of **one (1) year** commencing today.

Given the Court's observations above, it is hereby ordered that a copy of this judgement together with the testimonies of PC266 and PC1505 and the footage be notified to the Commissioner of Police for any action he may deem appropriate.

Dr. Donatella M. Frendo Dimech
Magistrate