



COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR ELAINE RIZZO LL.D

Today the 11th of February 2025

THE POLICE
(Police Inspector Jonathan Cassar)
(Police Inspector Nico Zarb)

against

BRODIE LEWIS MCNEIL
(Holder of British Passport 153763039)

THE COURT,

After having seen the charges brought against the accused, **Brodie Lewis McNeil**, of 24 years of age, son of George and Gemma nee' Davis, born in Kirkcaldy, Scotland on the 26th November 2000, without a fixed address in Malta and holder of **British Passport number 153763039**, charged with having on the 10th February 2025, between 01:00Hrs and 03:00Hrs, in St. Julian's, Malta and/or in other parts of Malta: -

1. Wilfully committed any spoil, damage or injury to or upon any movable or immovable property which damage does not exceed two thousand and five hundred euro (€2,500) but exceeds two hundred and fifty euro (€250) to the detriment of Jesmar Cauchi and/or PREMIER LEASING & INVESTMENTS LTD and/or other persons and/or other entities (*Article 325 (b), of Chapter 9 of the Laws of Malta*);
2. Wilfully disturbed the public good order or the public peace (*Article 338 (dd), of Chapter 9 of the Laws of Malta*);

3. In any public place or place open to the public, was found drunk and incapable of taking care of himself (*Article 338 (ff) of Chapter 9 of the Laws of Malta*);

The Court was requested, in case of guilt, to apply section 533(1) of Cap. 9 of the Laws of Malta, as regards to the expenses incurred by the Court appointed experts;

The Court is requested in case of guilty, apart from applying punishment as prescribed by law, to apply every article assuring compensation and/or restitution to the victims in relation to the relevant offences.

After having seen that the accused pleaded guilty to all the charges brought against him and that he reconfirmed his guilty plea after the Court solemnly explained the consequences thereof and also after having given the accused sufficient time to reconsider his plea and consult once again with his lawyer together with the possibility to withdraw the guilty plea;

Having seen the acts and documents of the case;

Having heard submissions with regards to the punishment which should be meted out whereby from the submissions heard it transpires that both parties are in agreement that the accused should be given a suspended sentence with a restitution order in terms of article 28H of the Criminal Code.

Considers:

Whereas, in light of the accused's guilty plea, the charges brought against him have been sufficiently proven in terms of law;

Whereas, with regards to the punishment, the Court, is taking into consideration the nature of the charges brought against the accused, his early guilty plea which was at the earliest possible stage of the proceedings, his cooperation with the police and his willingness to retribute the victims. In light of these considerations, although an imprisonment sentence would be appropriate sufficient reasons exist for such sentence not to be an effective one. Hence the Court agrees with the submissions made by both parties that the appropriate punishment would be a suspended sentence in terms of article 28A of the Criminal Code together with an order in terms of article 28H of the Criminal Code. With regards to the amount of restitution the Court took cognizance of Dok. JC 1 which according to the inspector does not cover all the expenses incurred. The Court also took into consideration the declaration made by the Prosecuting Officer that, after having spoken to the victim, it is estimated that the damages would amount to roughly Eur. 480. The defence counsel is in agreement with such amount and insisted on the accused's willingness to retribute the mentioned Eur. 480 in full.

Hence, for these reasons after having seen articles 325(1)(b); 338(dd) and 338(ff) of the Criminal Code, the Court, upon his own admission, is finding the accused Brodie Lewis McNeil guilty of all the charges proffered against him and is consequently condemning him to twelve months imprisonment which, in terms of article 28A of the Criminal Code, should not take effect unless the offender commits another offence punishable with imprisonment within eighteen months from today. Moreover, in terms of article 28H of the Criminal Code the Court is ordering the offender to make a restitution in the amount of Eur. 480.00 in favour of the victims, namely Jesmar Cauchi or Premier Leasing & Investments Ltd, even tramite the Prosecuting Officers, namely Police Inspectors Jonathan Cassar and/or Nico Zarb) within a period of six months from today.

With reference to the prosecution's request to order the convicted person to pay expenses with regards the employment of experts, the Court is hereby rejecting this request given that no experts were appointed in these proceedings.

The Court in terms of articles 28A(4) and 28H(8) of the Criminal Code explained to the convicted person in ordinary language his liability in terms of article 28B if during the operational period he commits another offence punishable with imprisonment and his liability in terms of article 28H if he fails to comply with the directions given by virtue of this judgement regarding compensation.

Finally, in terms of article 392A(2) of the Criminal Code, the Court is ordering that within six working days, the Attorney General shall be given access to a scanned copy of the records, together with access to a scanned copy of the judgement.

MAGISTRATE Dr. Elaine Rizzo BA. LL.D.

Christine Farrugia
Deputy Registrar