



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

**MAGISTRATE  
DOREEN CLARKE**

Sitting of the 29<sup>th</sup> June, 2008

Number. 567/2008

**The Police  
(Inspector Edmond Cuschieri)  
(Inspector Robert Vella)**

**vs**

**Jay Kieran Broderick**

Today the 29<sup>th</sup> day of June, 2008,

The Court,

Having seen the accused, Jay Kieran Broderick, 17 years of age, son of John and Sheryl Smith, born on the 6<sup>th</sup> April, 1991 in Blackburn, United Kingdom, British Citizen, temporarily residing at 2a, Triq il- Qawra, Qawra.

Charged with, on the 29<sup>th</sup> of June, 2008 at around 01.15hrs inside the Bell Pub which is situated in Qawra, with the intent to commit the crime of very grievous bodily

harm on the person of Mark Andrew Horner, manifested such intent by overt acts which were followed by the commencement of the execution of the crime of very grievous bodily harm with a pointed and cutting instrument, which crime was not completed in consequence of some accidental cause independent of his will.

Moreover, charged with having on the same date, time, place and circumstances caused injuries of slight nature to the said Mark Andrew Horner with a pointed and cutting instrument as certified by Dr. Thomas Aramtys M.D. of Mater Dei Hospital.

Moreover charged with having on the same date, time, place and circumstances threatened Mark Andrew Horner and Glenn Boyd with a pointed and cutting instrument.

Moreover, charged with having on the same date, time, place and circumstances breached public order and peace.

Lastly charged with having on the same date, time, place and circumstances had in his possession a pointed and cutting instrument without the licence of the Commissioner of Police.

Having seen sections 37, 41(1)(a), 214, 216, 218, 221, 338(dd) and 339(1)(b) of Chapter 9 of the Laws of Malta and section 3 of Chapter 480 of the Laws of Malta.

Having seen that during the hearing held by this Court as a Court of Criminal Inquiry the accused admitted the charges brought against him, this notwithstanding the fact that the Court warned him of the consequences of his plea and afforded to him sufficient time within which to withdraw his guilty plea.

Having seen the acts of the proceedings.

Having heard the oral submissions made by the parties.

Considered:

That the accused replied guilty to the charges brought against him consequently the charges are sufficiently proved.

That the accused, who is a minor, co-operated with the competent authorities in their investigation and admitted the charges brought against him in the initial stages of the procedures.

That the injuries actually suffered by the injured party were of a slight nature, however the consequences of the incident could have been much more serious.

For these reasons, the Court, after having seen sections 37, 41(1)(a), 214, 216, 218, 221, 338(dd) and 339(1)(b) of Chapter 9 of the Laws of Malta and section 3 of Chapter 480 of the Laws of Malta, on defendant's admission finds him guilty of the charges brought against him and condemns him to imprisonment for a term of eighteen (18) months which term, by application of section 28A of Chapter 9 of the Laws of Malta, is being suspended for a period of four(4) years.

The Court explained to the defendant in ordinary language his liability under article 28B of the said Chapter 9 of the Laws of Malta if during the operational period he commits an offence punishable with imprisonment.

**< Final Judgement >**

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