



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

**MAGISTRATE  
DOREEN CLARKE**

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

Number. 570/2008

**The Police  
(Insp. M. Sammut)  
(Insp. T. Micallef)**

**vs**

**Kaba Konate**

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

The Court,

Having seen the charges brought against Kaba Konate, 26 years, son of Ciamoko and Amanita, born on 6 March 1982 Ivory Coast, residing at 'Josiella', Triq Villabate, Zabbar bearer of identity card number ID 45772A..

With having on these Islands in the night between 27<sup>th</sup> June and 28<sup>th</sup> June 2008, at about 00.35hrs, In St. George's Road Paceville, St. Julian:-

1. Assaulted or resisted by violence or active force Inspector T. Micallef, PS928 R. Mifsud Grech, and PC451 A. Bugeja, persons lawfully charged with a public duty when in the execution of the law or of a lawful order issued by a competent authority in breach of Article 96 of Chapter 9 of the Laws of Malta;

2. Reviled, threatened, or caused bodily harm to Inspector T. Micallef, PS928 R. Mifsud Grech, and PC451 A. Bugeja, persons charged with a public duty, while in the act of discharging their duty or because of them having discharged such duty, or with intent to intimidate or unduly influence them in the discharge of such duty, in breach of Article 95 of Chapter 9 of the Laws of Malta;

3. By any means, wilfully committed any spoil or damage to or upon movable property being vehicle bearing registration number GVP502 of the make Ford, which damages exceed €116.46, but less than €1164.60 to the detriment of the Commissioner of Police and the Government of Malta, in breach of Article 325(1) of Chapter 9 of the Laws of Malta;

4. Disobeyed the lawful orders of any authority or of any person entrusted with a public service, or hindered or obstructed such person in the exercise of their duties, or duly 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, in breach of Article 338(ee) of Chapter 9 of the Laws of Malta;

5. Wilfully disturbed the public good order and peace in breach of Article 338(dd) of Chapter 9 of the Laws of Malta;

6. In any public place or place open to the public was found drunk and incapable of taking care of himself.

Having seen sections 95, 96, 325(1)(b), 338(dd), 338(ee) and 338(ff) of Chapter 9 of the Laws of Malta.

Having seen that, during the hearing held on the 29<sup>th</sup> June 2008 by this Court sitting as a court of Criminal Inquiry, the defendant admitted the charges brought against him and confirmed his admission even after having been given time to reconsider his plea.

Having seen the acts of the proceedings.

Having heard the submissions of the parties regarding the penalty to be meted out.

Having considered

That the defendant admitted the charges brought against him; consequently these are sufficiently proven.

That the defendant admitted the charges brought against him in the initial stages of the procedures and that he has a clean conviction sheet.

That the defendant has already paid for the greater part of the damages caused by him. Furthermore he has undertaken to pay the balance due of twenty Euros (€20).

For these reasons, the Court, after having seen sections 95, 96, 325(1)(b), 338(dd), 338(ee) and 338(ff) of Chapter 9 of the Laws of Malta, on his admission finds the defendant guilty of the charges brought against him and condemns him to imprisonment for a term of eight (8) months which term by application of section 28A of the said Chapter 9 is being suspended for a period of two (2) years.

The Court explained to the defendant in ordinary language his liability under article 28B of the said Chapter

Informal Copy of Judgement

9 of the Laws of Malta if during the operational period he commits an offence punishable with imprisonment.

**< Final Judgement >**

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