



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

**MAGISTRATE DR.  
CONSUELO-PILAR SCERRI HERRERA**

Sitting of the 9<sup>th</sup> December, 2008

Number 1197/2008

**The Police**  
**Inspector Ramond Mercieca**  
**Inspector Robert Vella**  
**v**

**MOUSSA KONATE**

**The Court,**

Having seen that the accused **MOUSSA KONATE** aged 26 years, son of the late Mohammed and Njeba nee Gara, born in Mali on the 1<sup>st</sup> January 1982 and temporarily residing at Hangar Open Centre, Hal Far, limits of Zurrieq, holder of identity card number 46037A, was arraigned before her and charged with:

1. Having on the 9<sup>th</sup> December 2008 at about 07.00am in the Maltese Islands together with other unknown persons having assaulted or resisted by violence or active force not amounting to public violence,

any person lawfully charged with a public duty when in the execution of the law or of a lawful order issued by a competent authority and that is against PC 942 Saviour Chircop and PC 11 Daniel Zammit and this in terms of section 96 of Chapter 9 of the Laws of Malta;

2. For having on the same day, date, place and circumstances, reviled or threatened or caused a bodily harm to any person lawfully charged with public duty, against PC 942 Saviour Chircop and PC 11 Daniel Zammit, 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 and this in terms of section 95 of Chapter 9 of the Laws of Malta;

3. For having on the same day, date, place and circumstances, caused a slight bodily harm to PC 942 Saviour Chircop and PC 11 Daniel Zammit, and this as certified by Doctor Denise Formosa Medical Registration Number 5132, Doctor G. Micallef Medical Registration Number 5139 and Doctor Susanne Pirotta Medical Registration Number 3146 at Mater Dei Hospital, and this in terms of section 221 of Chapter 9 of the Laws of Malta;

4. For having on the same day, date, place and circumstances, disobeyed the lawful orders of any authority or of any person entrusted with a public service, or hindered or obstructed such persons 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 other manner whatsoever, and this in terms of section 338(ee) of Chapter 9 of the Laws of Malta;

5. For having on the same day, date, place and circumstances, attempted to use force against any person with intent to insult, annoy or hurt such person or others that is against utters, insults or threats not otherwise provided for in this Code or being provoked, carries his insult beyond the limit warranted by the provocation and this against the persons of PC 942 Saviour Chircop and PC 11 Daniel Zammit, and this in

terms of sections 339(d)(e) of Chapter 9 of the Laws of Malta;

6. For having on the same day, date, place and circumstances, in any manner not otherwise, provided for in this Code, willfully disturbed the public good order or the public peace and this in terms of section 338(dd) of Chapter 9 of the Laws of Malta;

7. For having on the same day, date, place and circumstances, with the object of destroying or damaging the reputation of PC 942 Saviour Chircop and PC 11 Daniel Zammit, shall offend such person by words, gestures or by any writing or drawing or in any other manner and this in terms of section 252 of Chapter 9 of the Laws of Malta;

8. For having on the same day, date, place and circumstances, pushed PC 942 Saviour Chircop and PC 11 Daniel Zammit in the street with the object of hurting or insulting such persons and this in terms of section 339(1)(1) of Chapter 9 of the Laws of Malta.

The Court saw all the documents exhibited in the acts of proceedings particularly the conviction sheet of the accused, the consent of the Attorney General dated 9<sup>th</sup> December 2008, the police report, the patients certification forms of Saviour Chircop, Daniel Zammit and of Susanne Pirotta and the identity card of the accused exhibited animo ritirandi.

Having heard all the accused plead guilty to the charges brought forward against him during the sitting of the 9<sup>th</sup> December 2008 when the examination of the accused was duly held as directed in section 370(4), 390(1) and 392 of the Laws of Malta.

The Court explained to the accused the consequences of his plea of guilt and after having given the accused sufficient time to reconsider his plea of guilt and saw that the same accused insisted on registering in the acts of these proceedings his plea of guilt, had no alternative but to register such plea of guilt.

In the light of the above plea of guilt which guilty plea was made voluntarily, expressly and unconditionally, the Court

is satisfied that the accused is to be found guilty of the charges as brought forward against him.

Having heard the oral submissions brought forward by both parties.

**The Court having seen the relative sections at law in particular Sections 96, 95, 221, 338(ee)339(d)(e), 338(dd)252, 339(1)(a) of Chapter 9 of the Laws of Malta decides to find the accused MOUSSA KONATE guilty of the charges brought against him by the prosecution and decides to condemn him for a period of one (1) year imprisonment suspended for four (4) years in terms of section 28A of Chapter 9 of the Laws of Malta.**

**The Court also orders that all the acts of these proceedings together with a copy of this judgment be sent to the Attorney General within three days in terms of Section 401(3) of Chapter 9 of the Laws of Malta.**

**< Final Judgement >**

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