



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

**MAGISTRATE DR.
SAVIOUR DEMICOLI**

Sitting of the 1 st April, 2009

Number 130/2009

**The Police
(Inspector Anna Marie Micallef)**

VS

MICHAEL LEONARD PAUL HAMMOND

The Court,

Seen the charges brought against Michael Leonard Paul Hammond, 31 years, son of Michael David and Margaret Rose nee' Scicluna, born in Leicester (England), on the 20th June 1977, residing at Rose Flats no. 6, Fisherman's Street, Bugibba, holder of Maltese Identity Card number 223401(L).

Been charged with having on the 12th February 2009, at about half past seven in the evening whilst in Manoel Dimech Street, Sliema;

1. Reviled, threatened or caused a bodily harm to any person lawfully charged with a public duty, being Police Officers, while in the act of discharging their duty or because of having discharged such duty, or with intent to intimidate or unduly influence them in the discharge of such duty;

2. Assaulted or resisted by violence or active force not amounting to public violence, any person lawfully charged with a public duty, being several Police officers, when in execution of the law or of a lawful order issued by a competent authority;

3. Attempted to use force against several persons with intent to insult, annoy or hurt such persons or others;

4. Also with having on the same date, place, time and circumstances, with the course of his conduct caused others, that is Janice Balzan, Nadia Zawia and Jan Pisani, fear that violence will be used against them or their property;

5. Also with having on the same date, place, time and circumstances uttered insults and/or threats towards Janice Balzan, Nadia Zawia, Jan Pisani and other Police Officers with words;

6. Also with having on the same date, place, time and circumstances driven or attempted to drive or was in charge of a motor vehicle registration number DBL 926 make Mitsubishi Pajero, on a road or in a public place when he was unfit to drive due to drink and drugs and also whilst at the Police head quarters he refused or failed to give a specimen of his breath as requested by law;

7. Also with having on the same date, place, time and circumstances drove vehicle registration number DBL 926 make Mitsubishi Pajero in a dangerous manner;

8. And Also for being a relapsed according to articles 49, 50 of Chapter 9 of the Laws of Malta, with a decision given by the Courts of Magistrates (Malta), that is by Magistrate Dr. A.J. Vella LL.D., otherwise presided and dated 21st February 2007.

Heard evidence.

Seen the acts of the case and the exhibited documents.

Seen the Attorney General's Consent (Doc.MMA 1) and noted that accused Michael Leonard Paul Hammond has no objection to his case being dealt with summarily.

Noted that in today's Sitting Prosecuting Officer Inspector Anna Marie Micallef declared that earlier today she has been informed by defence counsel that in today's Sitting accused intends to enter a plea of guilt to some of the charges brought against him. Consequently same Prosecuting officer for the Prosecution declares that the second charge brought against accused, which second charge is envisaged in article 96 of Chapter 9 of the Laws of Malta, has been given as an alternative charge to the first charge brought against accused, which first charge is envisaged in article 95 of Chapter 9 of the Laws of Malta and therefore requests that the Court abstains from taking further cognizance of the said second charge brought against accused Michael Leonard Paul Hammond.

Also noted that in today's sitting accused in the presence of his lawyer declared that he is pleading guilty to all the charges brought against him except for the second charge brought against him.

The Court warned the accused in the most solemn manner as to the consequences of his admission of guilt and gave him some time to decide whether to confirm his admission of guilt or not, and having been asked whether he confirms his admission of guilt or not, the accused confirmed that he is pleading guilty to all the charges against him except for the second charge brought against him.

Heard submissions on punishment by the Prosecution and Defence.

Seen sections 17, 31, 49, 50, 95, 339(1)(d), 251B and 339(1)(e) of Chapter 9 and sections 15A, 15E and 15(1)(a)(2) of Chapter 65 of the Laws of Malta.

Taking into consideration that accused Michael Leonard Paul Hammond in today's sitting pleaded guilty to all the charges brought against him except for the second charge brought against him, the Court has no alternative but to find said accused Michael Leonard Paul Hammond guilty of all the charges brought against him except for the second charge brought against him and having considered all the circumstances of the case condemns accused Michael Leonard Paul Hammond to five thousand, eight hundred and twenty four Euro (Euro 5824) fine (multa).

As regards the second charge brought against accused Michael Leonard Paul Hammond in view of what the Prosecuting Officer for the Prosecution declared and requested in today's Sitting regarding the said second charge brought against said accused as reproduced earlier in this Judgement, the Court abstains from taking further cognizance of the said second charge brought against accused Michael Leonard Paul Hammond.

Informal Copy of Judgement

Furthermore, the Court by applying section 383 of Chapter 9 of the Laws of Malta, binds accused Michael Leonard Paul Hammond with a personal guarantee of one thousand, one hundred and sixty five Euro (Euro 1165) to keep peace with Janice Balzan, Nadia Zawia and Jan Pisani and generally not to disturb the public good order for a period of one (1) year as from today.

Finally the Court, by applying section 15H(2) of Chapter 65 of the Laws of Malta, disqualifies accused Michael Leonard Paul Hammond from possessing or from obtaining any driving licence for a period of six (6) months as from today.

< Final Judgement >

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