



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

**MAGISTRATE
ANTONIO GIOVANNI VELLA**

Sitting of the 5 th October, 2009

Number. 1028/2009

**POLICE
INSPECTOR MARTIN SAMMUT
INSPECTOR TREVOR MICALLEF**

VS

SEAN ANTHONY MCGAHERN

The Court;

After seeing the charges brought against:

Sean Anthony Mcgahern of 34 years, son of Patrick and Irene nee' Clement, born on the 15th April 1975 UK, residing at 12, The Valley Flat 12, Dr. Guze Miceli Street, Gzira and holder of identity card number 65502L;

For Having on these islands on 26th September 2009, between 04.00hrs and 09.00hrs in Swieqi, Msida, Floriana and other places;

1) without the intent to kill or put life in manifest jeopardy, committed grievous bodily harm on the person of Guido Farrugia;

2) assaulted or resisted by violence or active force, PS 157 B. Mifsud, PC 446 J. Mifsud and Dr. M. Spiteri MD and other officers, 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;

3) reviled, threatened, or caused bodily harm to PS 157 B. Mifsud, PC 446 J. Mifsud, and Dr. M. Spiteri MD and other officers, 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;

4) by any means wilfully committed any spoil or damage to or upon movable property being vehicle bearing registration number GVP 502 of the make Ford, which damages exceed €116.446 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;

5) by any means, wilfully committed any spoil or damage to or upon movable property being vehicle bearing registration number FAI 781 of the make Suzuki, which damages exceed €116.46 but less than €1164.60 to the detriment of Daniel Zammit;

6) caused slight bodily harm on the person of Daniel Zammit;

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

8) disobeyed the lawful orders of any authority or of any person entrusted with a public service, or hindered or abstracted such person in the exercise of their duties, or duty 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;

9) in any public place or place open to the public was found drunk and incapable of taking care of himself;

Considers:

After having seen the Articles 214, 216, 96, 95, 325(1), 221, 338 (dd) and 338 (ee) of Chapter 9 of the Laws of Malta;

After having seen the accused admit the charges brought against him, which admission was confirmed by him after having been given due time to reconsider in accordance with the law;

After having heard the evidence and the documents exhibited;

After having heard the accused's plea and after having given the time prescribed by Law for the accused to consider his plea, this Court finds the said accused guilty as charged and condemns him one (1) year imprisonment suspended for three (3) years in accordance with the provisions of the Article 28 A of Chapter 9 of the Laws of Malta.

Informal Copy of Judgement

The Court furthermore orders the accused to effect payment of one thousand, two hundred euros (€1,200) to the Commissioner of Police and two hundred euros (€200) to Daniel Zammit, within two (2) months from today, in accordance with the provisions of Article 28 H of Chapter 9 of the Laws of Malta.

The Court explained in clear words the terms of the judgement to the accused.

< Final Judgement >

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