



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

**MAGISTRATE DR.  
GABRIELLA VELLA**

Sitting of the 9 th December, 2009

Number 1287/2009

Police  
(Inspector Martin Sammut)

Vs.

Brendan Andrew Chase

The Court,

Having seen the charges brought against Brendan Andrew Chase, son of Andrew Sparks and Linda, aged twenty three (23) years, born in Ronfield, England on the 27<sup>th</sup> August 1986, residing at 166 Lourite Flat 3, Triq Sant Antnin, St.Paul's Bay identity card number 51867A :

Having seen the charges brought against the accused and charge him with having on these islands on the 8 th December 2009, at about 8:30 hrs in St.Julians that he:-

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1. assaulted or resisted by violence or active force, PS 69 J Cremona and WPC 245 C Delia, persons lawfully charged with a public duty when in the execution of the law or of a lawful order, issued by a competent authority;
2. reviled, threatened, or caused bodily harm to PS 69 J Cremona and WPC 245 C Delia, 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;
3. wilfully disturbed the public good order and peace;
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 to other persons, or in any other manner whatsoever;
5. in any public place or place open to the public was found drink and incapable of taking care of himself.

Having heard the evidence and examined all documents forming part of the proceedings, including the consent by the Attorney General dated 9<sup>th</sup> December 2009 for these proceedings to be dealt with summarily;

Having heard the accused declare that he has no objection to his case being heard summarily by this Court;

Having heard the accused plead guilty to all the charges brought against him, notwithstanding the fact that the Court in terms of Section 453(1) of Chapter 9 of the Laws of Malta warned him in the most solemn manner of the legal consequences of his guilty plea after having given him sufficient time within which to reconsider and withdraw his guilty plea;

Having heard the admission of the accused to all the charges brought against him, the Court has no alternative but to find him guilty of all the said charges;

With regards to the punishment the Court took into consideration the fact that the incident forming the merits of these proceedings was an isolated incident, that the accused co-operated with the Prosecution, that the accused apologised to the Police Officers involved in the incident, that the accused has a clean criminal record and that the accused submitted a guilty plea at an early stage of the proceedings;

After having seen and considered Section 95, Section 96, Section 338(dd), Section 338(ee) and Section 338(ff) of Chapter 9 of the Laws of Malta, finds the accused guilty of all charges brought against him, and since in this case there subsist the reasons set out in Article 7(2) of Chapter 446 of the Laws of Malta, in terms of Section 7(1) of said Chapter 446 of the Laws of Malta orders that the accused be placed under a Probation Order for a period of three (3) years from today, and this subject to the conditions set out in the Probation Order dated 9<sup>th</sup> December 2009 and attached to this judgement.

In terms of Section 7(7) of Chapter 446 of the Laws of Malta the Court has explained to the accused in ordinary language what the consequences are if he commits an offence during this probationary period of three (3) years.

In terms of Section 7(8) of Chapter 446 of the Laws of Malta the Court is hereby ordering that a copy of this judgement and Probation Order dated 9<sup>th</sup> November 2009 be served on the Director of Probation Services so that a Probation Officer is appointed to supervise the accused.

The Court after having seen Sections 392A and 401(3) of Chapter 9 of the Laws of Malta orders that the acts of these proceedings together with a copy of this judgement be transmitted to the Attorney General within the period of time stipulated by law.

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**< Final Judgement >**

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