



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

**MAGISTRATE DR.
ANTONIO MICALLEF TRIGONA**

Sitting of the 22 nd February, 2010

Number 123/2010

The Police
(Inspector Trevor Micallef
Inspector Nikolai Sant)

vs.

Andrew Richard Guy
-omissis-

The Court,

Having seen the charges brought against the accused holder of Maltese identity card no. 53371(A), with having in these islands on the 12th February 2010 at about two forty five in the afternoon (02:45p.m.) from Nova Wine and Beer Bar, St. George's Road, St. Julians and/or in the vicinity:-

1. made fraudulent gain not specified in the preceding articles of this sub-title to the detriment of the owner of Nova Wine and Beer Bar.

Further accused that on the same date at about three in the afternoon (03:00pm.) inside the St. Julian's Police Station and/or the vicinity:-

2. reviled, threatened or caused bodily harm against PS157 Brian Mifsud a person lawfully charged with a public duty, while in the act of discharging his duty or because of his having discharged such duty, or with intent to intimidate or unduly influence him in the discharge of such duty.

3. assaulted or resisted by violence or active force not amounting to public violence, on the persons of PS157 Brian Mifsud u PC1144 Paul Vella, a person lawfully charged with a public duty when in the execution of the law or of a lawful order.

4. wilfully disturbed the public good order or the public peace.

5. disobeyed the lawful orders of the police, persons entrusted with a public service, hindered or obstructed such persons in the exercise of his duties, or unduly interfered with the exercise of such duties, either by preventing such persons from doing what they lawfully enjoined or allowed to do, or frustrated or undid what has been lawfully done by other persons, or in any other manner whatsoever.

6. in a public place or place open to the public, were found drunk and incapable of taking care of themselves.

7. failed to observe one of the conditions imposed by the court in its decree granting bail.

8. the Court is humbly requested to treat with Andrew Richard Guy as a recidivist.

Thus, the Court is humbly requested that if it finds the accused Andrew Richard Guy guilty as charged, forfeits bail and orders the re-arrest of accused.

Having seen Attorney General's request that the case be heard summarily;

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Having seen that the accused was not opposing for his case to be heard summarily;

Having heard the accused plead guilty to the charges proffered against him on which plea of guilt the accused insisted even after the Court allowed him time to reconsider;

Having seen all the acts and records of the case;

Considers:

Having considered the issues and circumstances are borne out from accused' statement released to the police, exhibited in the records, and the testimony given by the prosecuting officer.

Having considered the voluntary and unconditional plea of guilt registered by the accused:

Having seen Article 309, 95, 96, 338(dd), 338(ee), 582(2), 49, 50 and 17(d) of Chapter 9 condemns him to imprisonment for a period of six months and to a comprehensive fine of €150.

Orders that the term of imprisonment by virtue of Article 28A of Chapter 9 be suspended for a period of one year provided the accused does not commit a further crime punishable by imprisonment during the operative period of the suspended sentence.

Accords to the accused to pay the fine by monthly instalments of €50 per month which instalments shall be successive and uninterrupted otherwise convertible to a term of imprisonment on any balance due at €11.65 per diem. The first instalment to be effected not later than the end of March.

The Court having explained to the accused his responsibilities in accordance to Article 28(4) of Chapter 9.

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< Final Judgement >

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