



**QORTI TAL-MAGISTRATI (MALTA)
BHALA QORTI TA' GUDIKATURA KRIMINALI**

**MAGISTRAT DR.
SAVIOUR DEMICOLI**

Seduta tat-22 ta' Gunju, 2012

Numru. 590/2012

**The Police
(Inspector Sylvana Briffa)**

vs

MAXWELL JOE

The Court,

Seen the charges brought against Maxwell Joe, 42 years old, son of Plence and Mary nee' Ama, born Liberia on the 01st January 1970, holder of identity card number 41354A, residing at Flt 2, Qasam tal-bini tal-Gvern, Binja L, Ent. B, Zabbar.

1. He was charged for having, on the 3rd June 2012 at Zabbar, wilfully committed any spoil, damage or injury to or upon any movable or immovable property belonging to

Georgina Borg from Zabbar, which amount of the damage does not exceed one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) but exceeds one hundred and sixteen euro and forty-seven cents (116.47).

2. And also on the same date, place and circumstances without intent to kill or to put the life of Dominic Abela from Zabbar, caused slight body harm to his person as certified by Dr. Jan Charles Chircop MD from Paola Health Centre.

3. And also on the same date, place and circumstances, caused another to fear that violence will be used against Georgina Borg from Zabbar or her property, when he knew that or ought to know that such course of conduct will cause the other so to fear on those occasions;

4. And also on the same date, place and circumstances, deemed to be recidivist as per article 49, 50 of Chapter 9 of the Laws of Malta, after being sentenced for an offence by a judgment which has become absolute;

5. And also on the same date, place and circumstances committed a crime punishable with imprisonment during the operational period of a suspended sentence as per article 28A of Chapter 9 of the Laws of Malta, given by the Court of Magistrates (Malta), Magistrate Dr. M. Hayman LL.D on the 7th February 2012.

Heard evidence.

Seen the acts of the Case and exhibited documents.

Seen the Attorney General's consent found at folio 7 of the acts of the proceedings and noted that accused Maxwell Joe does not object to his case being dealt with summarily.

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Noted that in today's Sitting accused pleaded guilty to all the charges brought against him.

The Court warned 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, accused confirmed that he is pleading guilty to all the charges brought against him.

Noted that in today's Sitting Prosecution and Defence declared that they agree that accused has a serious problem related to alcoholism and therefore it would be opportune that this Court would consider giving accused a Probation in order to address this problem.

Noted also that Dr. Paul Borg for accused declared that accused accepts to pay complainant Georgina Borg the sum of Euro 750 as being the cost of a laptop computer and therefore requested that the court grants him time to effect this payment.

Also noted that in today's Sitting Prosecuting Officer and Defence Counsel, as regards to the fifth (5) charge brought against accused, prayed that the court grants an extension to the period of the suspended Sentence mentioned in the fifth (5) charge brought against accused and this taking into consideration the criminal conduct sheet of accused and the problem of alcoholism of the accused and this in order that accused is given the last opportunity.

Heard submissions on punishment.

Seen sections 17, 31, 325 (1) (b), 221, 28A, 28B (2) (b), 28C, 251B, 49 and 50 of Chapter 9 of the Laws of Malta.

Considering that accused Maxwell Joe pleaded guilty to all the charges brought against him, the Court has no alternative but to find said accused guilty of all the charges brought against him and having considered all

the circumstances of the Case including accused's criminal conduct sheet and what has been declared by the Prosecution and Defence in today's Sitting as reproduced earlier on in this judgement, as regards to all the Charges brought against said accused save the fifth (5) charge brought against accused decides in terms of Section 7 (1) of Chapter 446 of the Laws of Malta to place accused Maxwell Joe under Probation Order for a period of three (3) years as from today and this with the scope that there will be no more repetition of similar crimes and also to address the serious problem related to alcoholism.

As regards to the fifth (5) charge brought against Maxwell Joe, considering all the circumstances of the case including what has been declared by the Prosecuting Officer and Defence Counsel as regards to this charge as reproduced earlier on in this Judgement, the Court, in terms of Section 28B (2) (b) of Chapter 9 of the Laws of Malta, extends the term of six (6) months imprisonment suspended for eighteen (18) months given by the Courts of Magistrates (Malta) per Magistrate Dr. Miriam Hayman LL.D in the case "The Police Inspector Siylvana Briffa vs Joe Maxwell" decided on the 7th February, 2012 (true copy of this Judgement has been exhibited in the acts of this case as Doc SBA2) for a further period of eighteen (18) months as from today.

The Court orders that the decree annexed to this Judgement as regards to the conditions of the probation order forms an integral part of this judgement.

The Court orders the notification with a copy of this judgement and the decree annexed to this judgement to the Director of the Probation Services in order to assign a Probation Officer to the accused Maxwell Joe.

The assigned Probation Officer has to make a written report to this Court with the progress of the said Maxwell Joe every six (6) months.

The Court, by applying Section 24 (1) of Chapter 446 of the Laws of Malta, orders accused Maxwell Joe that within

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the period of four (4) months as from today pays complainant Georgina Borg the sum of Euro 750 as being the cost of a lap top computer.

Finally the Court has given accused Maxwell Joe the explanation prescribed in subsection 7(7) of Chapter 446 of the Laws of Malta.

< Sentenza Finali >

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