



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

**MAGISTRATE DR.
SAVIOUR DEMICOLI**

Sitting of the 16 th August, 2012

Number. 817/2012

**The Police
(Inspector Jessica Grima)**

vs

**XAVIER JOSEPH DEBATTISTA
THOMAS PATRICK GOULD**

The Court,

Having seen the charges brought against Xavier Joseph Debattista, 25 years old, son of Joseph and Theresa nee' Tailor, born in London on the 8th October 1986, and resides at Philip Court, Flat 6, Tourist Street, Saint Paul's Bay and holder of the passport number 801393773

And

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Thomas Patrick Gould, 26 years old, son of James and Jane nee' McGrath, born in England on the 17th May, 1986, and resides at Philip Court, Flat 6, Tourist Street, Saint Paul's Bay, and holder of the passport number 510567158

The co-accused Xavier Joseph Debattista alone:-

1. Without the intent to kill, or to put life in manifest jeopardy caused grievous bodily harm on the person of Geoffrey Ripert by means of a sharp and pointed instrument, with intent to commit a crime, manifested such intent by overt acts which were followed by a commencement of the execution of the crime which was not completed in consequence of some accidental cause independent of the will of the offender;

2. Caused slight bodily harm by means of a sharp and pointed instrument on the person of Geoffrey Ripert;

3. Carried outside any premises or appurtenance, a knife or cutting or a pointed instrument of any description without a license or permit from the Commissioner;

4. In any public place or place open to the public was found drunk and incapable of taking care of himself;

The co-accused Thomas Patrick Gould alone:-

5. Caused slight bodily harm on the person of Geoffrey Ripert;

Both accused together Xavier Joseph Debattista and Thomas Patrick Gould:-

6. Willfully disturbed the public good order or the public peace.

Heard evidence.

Seen the acts of the Case and the exhibited documents.

Seen the Articles sent by the Attorney General in his Note dated 16th August, 2012 and noted that both accused having been asked whether they object to their case being tried summarily, replied that they have no objection to their case being tried summarily.

Noted that in today's Sitting both accused confirmed that they are pleading guilty to all the charges brought against them.

The Court again warned both the accused in the most solemn manner as to the consequences of their admission of guilt and gave them some time to decide whether to confirm their admission of guilt or not, both accused confirmed that they are pleading guilty to all the charges brought against them.

Heard submissions on punishment.

In relation to accused Xavier Joseph Debattista seen articles 41(1)(a), 214, 216(1)(a)(c), 217, 221(2), 338(ff) and 338(dd) of Chapter 9 and articles 6 and 51(7) of Chapter 480 of the Laws of Malta.

Taking into consideration that accused Xavier Joseph Debattista pleaded guilty to all the charges brought against him, the Court finds said accused guilty of all the charges brought against him and having considered all the circumstances of the Case, conditionally discharges accused Xavier Joseph Debattista under the Provision of Section 22 of Chapter 446 of the Laws of Malta on condition that said accused Xavier Joseph Debattista commits no offence during the period of three (3) years as from today and moreover condemns said accused Xavier Joseph Debattista to the punishment of two hundred and thirty three Euro (Euro 233) fine (multa).

In relation to accused Thomas Patrick Gould seen articles 214, 221(1) and 338(dd) of Chapter 9 of the Laws of Malta.

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Taking into consideration that accused Thomas Patrick Gould pleaded guilty to all the charges brought against him and having considered all the circumstances of the Case, conditionally discharges accused Thomas Patrick Gould under the Provision of Section 22 of Chapter 446 of the Laws of Malta on condition that said accused Thomas Patrick Gould commits no offence during the period of three (3) years as from today.

Finally the Court is giving accused Xavier Joseph Debattista and Thomas Patrick Gould the explanation prescribed in Sub-Section 22(3) of Chapter 446 of the Laws of Malta.

< Final Judgement >

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