



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

**MAGISTRATE DR.  
EDWINA GRIMA**

Sitting of the 19<sup>th</sup> September, 2012

Number. 945/2012

**The Police  
(Inspector Jurgen Vella)**

**vs**

**Musa Fofana of 22 years son of Secu & Fantasouare  
Fofana born in Guinea on 1<sup>st</sup> January, 1990, residing  
at Marsa Open Centre and holder of identity card  
number 54630A**

The Court;

Having seen charges brought against accused who was charged with having on the 18<sup>th</sup> September 2012 at about ten o'clock in the morning (10.00am) in the offices of Marsa Open Centre, wilfully committed damages upon any movable or immovable property belonging to the Government of Malta and the Foundation for Shelter and Support to Migrants or/and other persons which damages exceed the sum of one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69)

Also at the mentioned time, place and in the same circumstances, by his course of conduct caused Kenneth Bartolo, Carmen Abela and Vincent Abela and other staff who work at the Marsa Open Centre to fear that violence will be used against them or their property.

Also at the mentioned time, place and in the same circumstances without inflicting any wound or blow, threatened Kenneth Bartolo, Carmen Abela and Vincent Abela with a hard substance, precisely a piece of broken glass.

Also at the mentioned time, place and in the same circumstances in any manner, wilfully disturbed the public good order or public peace.

Having seen documents exhibited;

Having seen the Attorney General's consent dated 19<sup>th</sup> September, 2012, for the case to be dealt summarily by this Court;

Having heard accused plead guilty to the charges brought against him which guilty plea was reaffirmed after the accused was given adequate time to reconsider same.

Having heard submissions regarding the punishment to be inflicted;

Considers;

That in view of the guilty plea filed by the accused the Court finds him guilty as charged.

That in considering the punishment to be inflicted the Court is taking into consideration the early guilty plea filed by the accused, his clean criminal record and the fact that the accused was sorry for the incident.

Consequently the Court after having seen sections 325(1)(a), 251B, 338(dd), 339(1)(b) and 17h of Chapter 9

of the Laws of Malta and finds accused guilty as charged and condemns him to a period of fifteen (15) months imprisonment which period of imprisonment after having seen Section 28A of Chapter 9 of the Laws of Malta is being suspended for 3 years.

The Court warns the accused of the consequences according to law if he commits another crime during the period of this sentence.

The Court after having seen Section 412C of Chapter 9 of the Laws of Malta orders the issue of a Protection Order for a period of three (3) years and this with regards to Kenneth Bartolo, Carmen Abela and Vincent Abela.

**< Final Judgement >**

-----END-----