



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

**MAGISTRATE DR.
MARSEANN FARRUGIA**

Sitting of the 27 th July, 2013

Number. 700/2013

**The Police
(Insp. Kevin Pulis)**

vs.

Johnson

Sunday

Blessing Johnson Zale

The Court,

Having seen the charges laid against:

Sunday Johnson of 33 years born on the 01st January, 1980, residing at 177, St. Paul's, Flats 1, Triq Birzebbugia, Birzebbugia, and holder of identity card number 0065418(A),

AND

Blessing Johnson Zale of 28 years born on the 01st January, 1985 daughter of Johnson and Quin, residing at 177, St. Paul's, Flats 1, Triq Birzebbugia, Birzebbugia, and holder of identity card number 0065420(A)

Charged with having:

On the 25th July, 2013 at around 23.00hrs in Birzebbugia assaulted or resisted by violence or active force not amounting to public violence, persons lawfully charged with a public duty and hence PS 1434 Mario Mercieca and PC 583. Evan Grech, when in the execution of the law or of a lawful order issued by a competent authority;

On the same date, time and circumstances, caused slight injuries on members of the Police Force and hence, PS 1434 Mario Mercieca and PC 583 Evan Grech as certified by Dr. Jennifer Sultana MD Reg 3500 from Poala Health Centre and Dr. Jean-Paul Camilleri MD Reg 3471 from Poala Health Centre respectively;

On the same date, time and circumstances 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 his duties, or otherwise unduly 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 by other persons,

On the same date, time and circumstances, disturbed the public good order or the public peace.

After having heard the evidence and seen all the records of the case and documents submitted.

After having heard the accused plead guilty to the charge at an early stage of the proceedings, which guilty plea was confirmed by the same accused even after the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned them of the legal consequences of that guilty plea, in particular that the maximum punishment at law was of one (1) year and two (2) months imprisonment

and a fine, and allowed them sufficient time to re-consider their reply, and to change it;

After having heard the oral submissions on the punishment;

Considered that:

From the evidence brought forward and from the guilty plea filed by the accused themselves, the Court concludes that the accused are guilty of the charges laid against them.

As regards the punishment, the Court took into consideration the fact that the accused admitted to the charges at a very early stage of the proceedings, the fact that they co-operated with the police, and apologised for the incident, and that although they have been living in Malta since 2011, they have a clean criminal record.

Nevertheless, in this case, two police officers who were carrying out their lawful duties were slightly injured, and this Court considers assaults to police officers carrying out their duties as a very serious offence. Hence, in the considered opinion of this Court a punishment of effective imprisonment is warranted.

The Court also considered that, for the purpose of punishment, the third (3rd) and (4th) charges are absorbed in the first (1st.) and second (2nd.) charges, in terms of Section 17(h) of the Criminal Code.

The Court, after seeing Articles 96, 221, 338(ee) and 338(dd) of Chapter 9 of the Laws of Malta finds the accused guilty as charged, and condemns them to six (6) months effective imprisonment.

The Court orders that the records of these proceedings together with a copy of this judgement are sent to the Attorney General within the time-limit prescribed by law

< Final Judgement >

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