



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

**MAGISTRATE DR.
DOREEN CLARKE**

Sitting of the 4 th December, 2013

Number. 1118/2013

**The Police
(Inspector Luke Bonello)**

vs

Jean Baptiste Paul Georges Drean

Today, the 4th December, 2013

The Court,

Having seen the charges brought against Jean Baptiste Paul Georges Drean, of 29 years, son of Jean Paul, and Michelle Drean born in France on the 22nd October, 1984, residing at 22, Peppi, Hilderbrand Oaks, Gzira, and holder of French Passport No 10CP61550.

Charged with having on the 11th November, 2013 between 02:15am and 02:30am whilst being in St.Julians

1. Reviled or threatened or caused bodily harm to any person lawfully charged with a public duty, while in the act of discharging their duty or because of them having discharged such duty, or with intent to intimidate or unduly influence them in the discharge of such duty;
2. Further more, with having on the same date, time, place and circumstances, assaulted or resisted by violence or active force not amounting to public violence, any person lawfully charged with a public duty when in the execution of the law or of a lawful order issued by a competent authority;
3. Furthermore, with having on the same date, time, place and circumstances, used force against PC 488 Emmanuel Cilia with intent to insult, annoy or hurt him or others;
4. Furthermore, with having on the same date, time, place and circumstances, wilfully disturbed the public good order or the public peace;
5. Furthermore, with having on the same date, time, place and circumstances, disobeyed the lawful orders of any authority or of any person entrusted with a public service;
6. Furthermore, with having on the same date, time, place and circumstances, was found drunk and incapable of taking care of himself.

The Court was requested to consider the accused as being recidivist as per articles 49, 50 of Chapter 9 of the Laws of Malta if found guilty.

Having seen sections 49, 50, 95, 96, 338(dd)(ee)(ff) and 339(1)(d) of Chapter 9 of the Laws of Malta.

Having seen the consent of the Attorney General for this case to be tried summarily and that the accused had no objection to the case being so heard.

Having seen that the accused admitted the charges brought against him and that he confirmed this admission of guilt even after having been given time to reconsider his plea.

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Having seen the pre-sentencing report drawn up by the probation officer.

Having seen the acts of the proceedings.

Having considered

The accused admitted all the charges brought against him; these are consequently sufficiently proved.

Regarding the penalty to be meted out there are a number of factors to be taken into consideration.

The first factor is obviously the nature of the offences of which the accused is being found guilty; using force and reviling police officers whilst they are discharging their duty is a very serious offence. The Court must also bear in mind that the accused had already been found guilty of similar offences earlier this year.

After the accused pleaded guilty to the charges brought against him defence counsel submitted that the accused could be ordered to carry out community service rather than be given a custodial sentence. However this is not possible for reasons listed in the presentencing report. This report also excludes the viability of having the accused under the supervision of a probation officer.

In view of this, in view of the fact that the accused is a recidivist and cannot be given a suspended sentence, and in view of the gravity of the offences of which the accused is being found guilty, the Court has no option other than imposing a custodial sentence. In determining the term of imprisonment the Court is taking into consideration the fact that eventually the accused cooperated with the police officer in charge of the investigation and his guilty plea at the earliest stage of these proceedings.

Wherefore the Court after having seen 49, 50, 95, 96, 338(dd)(ee)(ff) and 339(1)(d) of Chapter 9 of the Laws of Malta, on his admission finds defendant guilty of the

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charges brought against him and condemns him to six months imprisonment.

< Final Judgement >

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