

In the Court of Magistrates (Malta)

as a Court of Court of Criminal Judicature

Magistrate Dr Aaron M. Bugeja M.A. Law, LL.D. (melit)

The Police

vs

Jacob Conor McKeown

The Court after seeing the charges issued against **Jacob Conor McKeown** holder of British passport number 516961387 whereby he was charged with having on the 29th March 2016 while in an aircraft and during a Ryanair Flight FR8928 coming to Malta from Liverpool :

1. Recklessly or negligently acted in a manner likely to endanger an aircraft, or any person therein;
2. Used any threatening, abusive or insulting words, behaved in a threatening, abusive, insulting or disorderly manner towards a member of the crew and intentionally interfered with the performance by a member of the crew of the aircraft of his duties;
3. Entered or was found drunk in the same aircraft.

Having analysed the documents that were exhibited and all the records of the proceedings;

Having seen that the accused declared that he was guilty as charged.

The Court, in view of this declaration warned the accused in the most solemn manner about the consequences arising out of his guilty plea and granted him a reasonable time in order for him to retract this guilty plea. After that the Court granted this time to the accused, and after consulting with his legal counsel, the accused reiterated that he is guilty as charged.

In view of this declaration, duly reiterated, the Court had no option but to find the accused guilty as charged.

Having heard the testimony produced and seen the records of the proceedings;

Having heard the final oral submissions of the Prosecuting Officer and of the Legal Counsel to the accused;

Considers the following :-

That from the evidence produced, the crew member David Perry stated that he saw the accused consume alcohol on board the flight. He was intimated not to consume alcohol onboard. However he had a large bottle of vodka from which he continued drinking despite the orders given. The accused

did not co-operate with the crew member and he met the crew with an arrogant and sarcastic behaviour. The crew member stressed that the accused was intoxicated and was becoming abusive. However this witnesses noted that the accused was not acting in a violent manner.

During the proceedings the accused expressed contrition in that he declared in open court that he was sorry for causing this incident.

This Court considers that this behaviour is unacceptable wherever it takes place. It becomes even more serious when committed on board of a confined and crowded space such as on board a flight. The Court can understand that the flight consisted mainly of a number of young people in their twenties and probably in their minds it was nothing more than one big party. However this in no way justifies the behaviour explained.

Apart from the fact that other passengers and crew members had every right to travel in as calm as possible an ambience as it can be during a flight, the accused's drunken state on board a flight could also lead to serious consequences for himself as well as for others. And there is little room for taking such chances in mid-air.

Decides : -

Consequently, this Court, after having seen regulations 46, 48, 49(1) and 86 of L.S. 499.09 finds the accused **Jacob Conor McKeown**, upon his unconditional guilty plea, guilty as charged and condemns him to two months imprisonment; however having seen Article 28A of the Criminal Code it orders that the said sentence shall not take effect unless, during a period of one year from the date of this order, the offender commits another offence punishable with imprisonment and thereafter the competent court so orders under Article 28B of the Criminal Code that the original sentence shall take effect together with a fine of four hundred euro (€400).

In terms of Article 28A(4) of the Criminal Code, the Court declares and explains in ordinary language to the accused his liability in terms of Article 28B of the Criminal Code if during the operational period he commits an offence punishable with imprisonment.

Delivered today the 30th March 2016 at the Courts of Justice in Valletta, Malta.

Aaron M. Bugeja