



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

MAGISTRATE DR. AUDREY DEMICOLI LL.D.

Today 20th of October, 2017

**The Police
(Inspector Priscilla Caruana Lee)**

vs

Mahad Ali Mohamud

The Court;

Having seen the charges brought against Mahad Ali Mohamud holder of identity card number 49875A and charge him with having on the 2nd July 2017 at about 00:30hrs in Xatt il-Mollijiet Marsa outside the Open Centre:

1. Without the intent to kill or to put the life of any person in manifest jeopardy, by physical force caused grievous bodily harm to the body or health, that is, causing deformity or disfigurement in the face of George Veneziani, as certified by Dr Karl Cutajar med no 5715 from Mater Dei Hospital and this in breach of Article 216(b), 222(c) and 222A of Chapter 9 of the Laws of Malta;
2. 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 and that is against George Veneziani, and this in breach of Article 96(a) of Chapter 9 of the Laws of Malta;
3. Reviled or threatened, or caused a bodily harm to any person lawfully charged with a public duty, against George Veneziani while in the act of discharging his duty or because of him having discharged such duty, or with intent to intimidate or unduly influence him in the discharge of such duty, and this in breach of Article 95 of Chapter 9 of the Laws of Malta;
 4. Disobeyed the lawful orders of any authority or of any person entrusted with a public service, or hinders or obstructs such person on the exercise of his duties, or otherwise unduly interferes 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, or in any other manner whatsoever, and this in breach of Article 338(ee) of Chapter 9 of the Laws of Malta;
 5. In any manner not otherwise provided for in this Code, wilfully disturbed the public good order or the public peace, and this in breach of Article 338(dd) of Chapter 9 of the Laws of Malta;
 6. Refused to give, or untruthfully gives to any public officer or any other person entrusted with a public service in the actual exercise of her duty, her name, surname, address and other particulars and this in breach of Article 338(g) of Chapter 9 of the Laws of Malta.

After having seen its decree dated 28th of July, 2017 whereby the Court appointed Dr Joseph Cassar to examine Ali Mohamud Mahad and relate back to the court whether he is fit to stand trial where the expert concluded as follows:-

After taking into consideration Mr Ali Mohamud Mahad's past psychiatric history, reading the police report, after having taken evidence from Dr. Marija Axiaq and after having examined Mr. Ali Mohamud Mahad I would like to present the honourable court the following conclusions:

1. Mr Ali Mohamud Mahad holder of ID card 49875A suffers from chronic schizophrenia which can only be controlled with medications. Every time Mr. Ali Mohamud Mahad becomes non compliant to medications he relapses into psychosis. Furthermore, he starts abusing alcohol worsening his mental status becoming a danger to self and other.
2. Mr. Ali Mohamud Mahad was followed by consultant psychiatrist Dr Joseph Vella Baldacchino and should remain under his care ideally on a community treatment order to ensure compliance to his treatment plan.
3. Mr. Ali Mohamud Mahad at present understands what he will be charged with in a court of law and is therefore presently fit to stand trial.

After having seen its decree dated 21st of August, 2017 whereby the Court appointed Dr Joseph Cassar as a psychiatric expert to examine Ali Mohamud Mahad and relate back to the court regarding his mental state at the time of alleged act for which he stands accused where the expert concluded as follows:-

After taking into consideration Mr. Ali Mohamud Mahad's past psychiatric history, reading the police report, after having taken evidence from Dr. Marija Axiaq and after having examined Mr. Ai. Mohamud Mahad I would like to present the honourable court the following conclusions:

1. Mr Ali Mohamud Mahad holder of ID card 19875A suffers from chronic schizophrenia which can only be controlled with medications. Every time Mr. Ali Mohamud Mahad becomes non compliant to medications he relapses into psychosis. Furthermore, he starts abusing alcohol worsening his mental status becoming a danger to self and others. In fact at the time of the alleged incident Mr. Ali Mohamud Mahad was psychotic and inebriated secondary to non-compliance of treatment and was therefore not *compus mentis* at the time of the act.
2. Mr. Ali Mohamud Mahad was followed by consultant psychiatrist Dr. Joseph Vella Baldacchino and should remain under his care

ideally on a community treatment order (Mental Health Act Chapter 525 10th Schedule) to ensure compliance to his treatment plan.

In view of the fact that it results that the accused was in a state of insanity both at the time of the commission of the offences for which he is charged and at present the Court by application of Section 623(1) of the Criminal Code orders that the accused is kept in custody at Mount Carmel Hospital but recommends that if the Director of Mental Health deems fit the accused should be put on a Community Treatment Order in terms of Sections 6, 37 and the Tenth Schedule of the Mental Health Act (Chapter 525 of the Laws of Malta).

The Court orders that the Director of Mental Health is notified with a copy of this judgement.

MAGISTRATE

Graziella Abela
Deputy Registrar