

**COURT OF MAGISTRATES (MALTA)**

**As a Court of Criminal Judicature**

**Magistrate**

**Dr. Rachel Montebello B.A. LL.D.**

**Case Number: 784/18**

**The Police**

**(Inspector Roderick Attard)**

**Vs**

**DARREN JON BUNTING**

**(Identity Card No: 138025A)**

**Today, 24<sup>th</sup> December 2018**

**The Court,**

Having seen that **DARREN JON BUNTING**, holder of Identity card number 138025A, was arraigned and charged with having:-

On the 14<sup>th</sup> December 2018 inside 70, St Peter, Flat 4, Triq San Patrizju, Birzebbugia:

1. Without the intent to kill or to put the life of any person in manifest jeopardy, caused slight bodily harm on the person of Deborah Carol Lay, which crime was committed on the person of the cohabitant of said Jon Bunting, in breach of Articles 221(1), 222(1)(a), 202(h) of Chapter 9 of the Laws of Malta.

The Prosecution also requested the Court, that if the accused is found guilty and during the proceedings, to provide for the safety of Deborah Carol Lay in terms of Article 412C of Chapter 9 of the Laws of Malta.

Having heard the evidence and seen all documents exhibited;

Having seen all the acts of the proceedings;

Having seen that the Court during the hearing of the 15th December 2018 ordered that the proceedings are conducted in the English language.

Having seen the note of the Attorney General of the 15<sup>th</sup> December 2018 whereby he gave his consent for this case to be dealt with summarily.

Having heard the accused plead guilty to the charges brought forward against him during the sitting of the 24<sup>th</sup> December 2018 in the presence of his legal aid lawyer, which guilty plea was confirmed by the accused even after having been afforded sufficient time to reconsider his admission;

Having heard the submissions of both the Prosecution and the defence regarding punishment to be inflicted;

Having considered;

That in the light of the above plea of guilt which guilty plea was registered voluntarily, expressly and unconditionally by the accused, the Court is satisfied that the accused is guilty and is to be found guilty of the charge brought against him, namely the charge of having caused slight bodily harm on the person of his cohabitant Deborah Carol Lay;

Having considered, for purposes of punishment, the nature of the charge brought against the accused, namely that of having slightly injured his cohabiting partner during an argument that took place in their common residence; that the physical scuffle appears to have been the first physical argument that took place between the parties during their relationship<sup>1</sup>; the nature of the injuries suffered by the injured party which injuries, as would result from the medical certificate Dok. RM1, do not appear to be of mere small consequence, at least physically, to said injured party in terms of Article 221(3) of Chapter 9 of the Laws of Malta; the early admission registered by the accused; his conviction sheet<sup>2</sup> which, for the period during which he has resided in Malta, is untarnished, and the fact that, as submitted by the defence, the accused wishes to return to his home country, the United Kingdom and does not intend to reside any longer in Malta.

**Consequently, the Court, after having seen Articles 221(1) and (3), 222(1a) and 202(h) of Chapter 9 of the Laws of Malta, upon admission of guilt, finds DARREN JON BUNTING guilty as charged and condemns him to imprisonment for a period of three (3) months which, upon application**

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<sup>1</sup> Vide statement of Darren Jon Bunting – Dok. RA4

<sup>2</sup> Dok. RA2.

**and in terms of Article 28A of Chapter 9 of the Laws of Malta, is being suspended for a period of eighteen (18) months.**

**The Court explained to the accused in ordinary language his liability under Article 28B of Chapter 9 of the Laws of Malta if during the operational period he commits an offence punishable with imprisonment.**

**Furthermore, in addition to the punishment being inflicted in terms of the aforementioned Articles of Chapter 9 of the Laws of Malta, the Court in terms of Article 383 of said Chapter 9 orders DARREN JON BUNTING to keep the peace with Deborah Carol Lay and in order to provide for the safety of said Deborah Carol Lay, orders said DARREN JON BUNTING to enter into his own recognisance in the sum of five hundred Euro (€500). This obligation is to remain in force for a period of twelve (12) months from today and as such, after having referred to the considerations already made for the purposes of punishment, the Court does not accede to the request of the Prosecution for an order made in terms of Article 412C of Chapter 9 of the Laws of Malta.**

**Dr. Rachel Montebello**

**Magistrate**