



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

MAGISTRATE DR. JOSEPH MIFSUD LL.D.

Today 25th of January, 2019

**The Police
(Inspector Roderick Attard)**

vs

Martyn Paul Underwood

The Court;

Having seen the charges brought against Martyn Paul Underwood of 41years of age, son of Robin and Karen nee` Hawkins, born in Gravesend, England, on the 30th of January 1978, residing at 22, St Mary Street, Birzebbugia and holder of English passport number 557795742; and charged him that within the dwelling 22, St.Mary's Street, Birzebbugia and/or other places within Malta, between the night of the 21st to the 22nd of January 2019 and in the preceding days and months:

1. With his behaviour caused harassment to Kay Leyla Johnston Power, whom happens to be his girlfriend and co-habitant;
2. With his behaviour caused Kay Leyla Johnston Power to fear that violence might be used against her person Article 251 (B) Chapter 9 Laws of Malta.

Considered:

Having seen the Prosecuting Officer read out and confirm on oath the charges brought against the accused during the sitting of the 25th January 2019.

Having seen all the documents exhibited in this case which are; a copy of the residence document of the accused; the accused's conviction sheet; the consent of the Attorney General in the Maltese language and the consent of the Attorney General in the English language so that the case be dealt with summarily.

Having heard the accused during the sitting dated 25th January 2019 register a guilty plea to all the charges brought against him, after he was duly examined.

The Court explained to the accused the consequences of his plea of guilt and after having given the accused sufficient time to reconsider his plea of guilt and saw that the same accused insisted on registering in the acts of these proceedings his plea of guilt, had no alternative but to register such plea.

After hearing oral submissions regarding punishment.

Considered:

In the light of the above plea of guilt which guilty plea was made voluntarily, expressly and unconditionally, the Court is satisfied that the accused is to be found guilty of the charges brought forward against him.

Regarding punishment, the Court took into consideration the guilty plea at such an early stage of the proceedings, in thus the court did not have to waste time in gathering further evidence, the accused's clear conviction sheet produced by the prosecution and the fact that the accused has collaborated fully with the police pending their investigation.

The Court is also of the opinion that the accused should benefit from this chance to be helped and address all his problems by means of a probation order.

Decide:-

Thus the Court after having seen the relevant sections at law in particular Articles 251A(1)(a), 251A(4), 251AA(1)(a), 222(1), 251B(1) of chapter 9 of the laws of Malta decides to find the accused Martyn Paul Underwood guilty of the charges brought against him by the prosecution and puts him under a Probation Order for a period of three (3) tyears from today in terms of Section 7(1) of Chapter 446 of the Laws of Malta, with the conditions in the same Probation Order herewith attached and which forms an integral part of this judgement.

The Court, in terms of article 7 (7) of Chapter 446 of the Laws of Malta, has warned the offender about the legal consequences if he commits another crime within the prescribed operative period of the Probation Order and/or if he fails to abide by one of the orders stipulated in the Probation Order, and the offender confirmed his will that he will abide by this Probation Order.

The Court orders that a copy of the Probation order be given to the probationer and another copy be sent to the Director Probation Services and Parole so that he assigns a probation officer to be responsible for the supervision of the probationer.

Furthermore in order to provide for the protection of the parte civile, the Court is making an order under Article 412C of the Criminal Code whereby it is prohibiting from approaching, contacting, or molesting parte civile and for a period of three (3) years from the date of this judgment.

The Court explained in simple and clear language to the accused the consequences of this protection order.

Finally, the Court has seen also that in the circumstances, it would be better for the accused to be placed under a treatment order so that he can overcome his alcohol addiction problem. Therefore, in terms of Article 412D of Chapter 9 of the Laws of Malta, the Court is placing the offender under a Treatment Order for alcohol addiction and this for a period of three (3) years from today. The Court has explained the legal

implications of this order, and the consequences in the case that he does conform with such order.

Given that no experts have been appointed in this case, the Court is abstaining from taking further cognisance of the request of the Prosecution to condemn the accused for the payment of the relative expenses.

Dr. Joseph Mifsud
Magistrate