



**Court of Magistrates (Malta)
As a Court of Criminal Judicature**

Magistrate Dr. Doreen Clarke LL.D.

Today, the 23rd August, 2019

**The Police
(Inspector Joseph Xerri)**

vs

**Ciro Auditano
Luisa Zaffinelli**

The Court,

Having seen the charges against:

Ciro Auditano 25 years of age, son of Raffaele and Rosa nee' Pugliese born at Naples, Italy, on the 30th of November 1993, residing at number 10, Totnes, Triq Selvatico, St Julians, holder of Italian identity card number AZ0311984; and

Luisa Zaffinelli, 25 years of age, daughter of Umberto and Anna Maria nee' Gammella, born at Naples, Italy, on the 07th of August, 1994, residing at number 10, Totnes, Triq Selvatico, St Julians, holder of Italian identity card number AY4901978.

Charged with having on the 22nd August, 2019, between ten minutes to two (0150hrs) and half past two (0230) in the morning, in St George's street, St Julians:

1. Reviled, or threatened or caused a bodily harm to any person lawfully charges with a public duty, namely PS 922 Valhmoor Medati, PS 1349 Rainier Agius, OC 793 Samuel Muscat and WPC 392 Martina Grech, while in the acts of discharging their duty or because of their having discharged such duty , or with intent to intimidate or unduly influence him in the discharge of such duty;
2. At night time, disturbed the repose of the inhabitants by rowdiness or bawling or in any other manner;
3. Disobeyed the lawful orders of any authority or of any person entrusted with a public service (namely PS 922 and PC 793) or hindered or obstructed such person in the exercise of his duties, or otherwise unduly interfered with the exercise of such duties, either by preventing PS 922 and PC 793 from doing what they are lawfully enjoined or allowed to do, or frustrating or undoing what has been lawfully done by other persons;
4. Willfully disturbed the public good order or the public peace;
5. In any public place or place open to the public, were found drunk and incapable of taking care of themselves;

Luisa Zaffinelli on her own accused for having on the same date, time, place and circumstances;

6. Without the intent to kill or put the life of WPC 392 Martina Grech in manifest jeopardy, caused harm to their body or health, which harm is of a slight nature;
7. Willfully committed spoil, damage or injury to or upon any movable or immovable property belonging to the Government of Malta and the Commissioner of Police, which damage does not exceed twenty-three Euros and twenty-nine cents (€23.29)

8. Attempted to use force against WPC 392 Martina Grech with intent to insult, annoy or hurt such persons and/or others;

The Court was requested in case of guilt and in addition with any penalty to order the accused Luisa Zaffinelli to refund the damages suffered by the Government of Malta and the Commissioner of Police in terms of article 15A(1) of Chapter 9 of the Laws of Malta.

Having heard the defendants admit the charges brought against them and confirm this admission of guilt even after having been given time to reconsider their plea.

Having heard the submissions of the parties regarding the penalty to be meted out.

Having seen the acts of the proceedings.

Having considered

That the defendants admitted the charge brought against them; these are consequently sufficiently proven.

That, as regards the penalty to be meted out, the Court considered the nature of the offences of which each of the defendants is being found guilty, their eventual cooperation with the police, their admission at the earliest stage of these proceedings and their clean conviction sheet.

Wherefore the Court

After having seen sections 95, 338(m)(dd)(ee)(ff) of Chapter 9 of the Laws of Malta, on his admission finds defendant **Ciro Auditano** guilty of the charges brought against him and whilst condemning him to **a fine of eight hundred Euros (€800), of which four hundred Euros are to be paid immediately and the balance of four hundred Euros is to be paid within three months**, by application of section 22 of Chapter 446 of the Laws of Malta is **discharging him on condition that he does not commit an other offence in the period of two years.**

After having seen sections 95, 214, 215, 221(1)(c), 325(1)(d), 338(m)(dd)(ee)(ff) and 339(1)(d) of Chapter 9 of the Laws of Malta, on her

admission finds defendant **Luisa Zaffinelli** guilty of the charges brought against her and whilst condemning her to a fine of **eight hundred Euros (€800)**, of which **four hundred Euros are to be paid immediately and the balance of four hundred Euros is to be paid within three months**, is condemning her to **nine months imprisonment which by application of section 28A of Chapter 9 of the Laws of Malta are being suspended for a period of two years.**

The Court explained to the defendants in ordinary language the significance of this judgement and of the consequences should they commit an other offence in the period of two years.

DR. DOREEN CLARKE
MAGISTRAT