



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

Magistrate Dr Monica Vella LL.D., M.Jur.

Case no: 155/2020

**The Police
(Inspector Josef Gauci)**

vs

Abdifaid Mhahdi Mahamud, born in Somalia on the 25/03/1995, residing at Maripaul, Flat 2, Punic Street, Munxar, Gozo, and holder of Maltese ID No: 9000147A.

Today, 22nd April 2020

The Court;

Having seen the accusations brought against:

Abdifaid Mhahdi Mahamud, born in Somalia on the 25/03/1995, residing at Maripaul, Flat 2, Punici Street, Munxar, Gozo, and holder of Maltese ID No: 9000147A.

Charged with having in these Maltese Islands, on the 13th March 2020, at around 09:45hrs, whilst at E-Residence Office, St. Francis Square, Victoria, Gozo, and/or in the vicinities in these Islands:

1. Reviled, threatened or caused bodily harm to mechanical engineer Christian Cordina, ID: 34391G, a person charged with a public duty, 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, **in breach of article 95 of Chapter 9 of the Laws of Malta.**
2. And also with having on the same date, time, place and circumstances, without intent to kill or to put the life of any person in manifest jeopardy, caused harm of **slight** nature to the body, on the person of Christian Cordina, holder of identity card number 34391G, as certified by Dr. Ivan Micallef MD, medical registration number 2322, **and this in breach of articles 214 and 221(1) of Chapter 9 of the Laws of Malta.**
3. And in the same date, time, place and circumstances, wilfully committed any spoil, damage or injury to or upon any movable or immovable property, that is, Canon Camera and Lens, Fingerprint reader and camera tripod and/or others, which damage does not exceed two thousand and five hundred euros (€2500), but exceeds two hundred and 50 euros (€250), to the detriment of Identity Malta Agency and/or the Government of Malta and/or other entities, **and this in breach of article 325(1)(b) of Chapter 9 of the Laws of Malta.**

4. Accuse him further with having on the same date, time, place and circumstances, wilfully disturbed the public good order or the public peace, **and this in breach of article 338(dd) Chapter 9 of The Laws of Malta.**

The court was also requested, where it deems expedient, in order to provide for the safety of Christian Cordina, for the keeping of the public peace, in addition to, or in lieu of the punishment applicable to the offence, require the offender to enter into his own recognizance in a sum of money to be fixed by court, **and this in terms of article 383 of Chapter 9 of the Laws of Malta.**

The Court was also requested, for the purpose of providing for the safety of the injured party, **to issue a Protection Order under 412C of the Chapter 9 of the Laws of Malta.**

Having seen all documents exhibited by the Prosecution;

Having seen the records of the case;

Having heard the Prosecution and the Defence declare that they will rely on the records of the case;

Having duly considered all the records of the case and all submissions made;

Having explained to the accused the charges brought against him;

Having heard the accused plead guilty to said charges in today's sitting, and this in the presence of Defence Counsel Dr. Deborah Camilleri;

Having warned the accused of the legal consequences of such guilty plea and having given the accused further time to reconsider his guilty plea and having heard the accused reconfirm his guilty plea during his arraignment before this Court and thus said guilty plea was duly registered in the acts of today's sitting, the 22nd April 2020;

Having heard the accused reconfirm his guilty plea before pronouncing judgement and such affirmation was duly registered in the acts of today's sitting the 22nd April 2020;

Considers:

That thus upon such guilty plea the Court can only find the accused guilty as charged;

That in pronouncing its judgement the Court is hereby taking into consideration the fact that the accused registered an early guilty plea, the nature and gravity of the accusations with which he is charged and the conduct sheet of the accused from which it results that the accused has already been accused before the Court with a similar accusation.

Thus, it transpires that the accused has not learnt anything from his previous conviction, so much so that he is presently, among other charges, accused of assaulting a public officer and causing him slight bodily harm.

Such actions are of a serious nature in themselves but are even more grievous in the particular time that everyone is currently living in due to the pandemic Covid 19. Such irrational behaviour is not to be taken lightly in view of the consequences it may give rise to in this delicate time everyone is experiencing. The Court has a duty to prevent any further similar incidents from occurring and

this for the protection and security of society at large and that of the general public.

Therefore, The Court, after having seen the said charges, and after having seen Articles 31, 95, 214, 221 (1), 325 (1b) and 338 (dd) of Chapter 9 of the Laws of Malta hereby finds the accused guilty as charged and condemns the accused to three years and six months effective imprisonment.

The Court is also issuing a Protection Order under Article 412C of Chapter 9 of the Laws of Malta in favour of the injured party Christian Cordina, ID: 34391G.

The Court explained to the accused in simple and clear language his obligations arising out of this judgement.

(ft.) Dr. Monica Vella LL.D., M.Jur
Magistrate

(ft.) Diane Farrugia
Deputy Registrar