



**MALTA**

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

**MAGISTRATE DR IAN FARRUGIA LL. D**

**Today 12<sup>th</sup> October 2020**

**The Police  
(Inspector Mevyn Camilleri)**

**Vs**

**Martyn Paul Underwood**

**The Court;**

Having seen the charges brought against **Martyn Paul Underwood**, holder of British Passport number 557795742, who is being accuse of having in Birzebbuga and/or other places in Malta on 14th June 2020 and in the preceding days:

1. Caused another person, namely your former partner Kay Layla Johnston Power, a person with whom you shared the same house, to fear that violence will be used against her or her property or against the person or property of her ascendants or descendants;
2. Pursued a course of conduct which amounted to harassment against Kay Layla Johnston Power or pursued a course of conduct which you ought to know amounts to harassment;

3. Failed to honour any one of the conditions of the Protection Order issued in favour of Kay Layla Johnston Power by a Court decree as per Magistrate Dr. J. Mifsud dated 25 th January 2019;
4. Committed a crime in an operative period of a Probation Order under which you were discharged by a sentence of the Court of Magistrates (Malta) presided by Dr.J. Mifsud and dated 25 th January 2019;
5. Failed to observe any of the conditions imposed by the court in its decree granting bail as per decree by the Criminal Court presided by Madam Justice Dr. Consuelo Scerri Herrera on 24th May 2019;

The Court is requested to issue a protection order in favour of Kay Layla Johnston Power in terms of Article 412 (C) of Chapter 9 of the Laws of Malta.

The Court is further being requested to provide for the security of Kay Layla Johnston Power in terms of Article 383 et sequitur of Chapter 9 of the Laws of Malta.

Having heard prosecuting officer on oath;

Having examined the testimony of Kay Layla Johnston;

Having seen all the documents exhibited in the acts of these proceedings;

Having heard accused plead guilty to the charges brought against him during today's sitting and his insistence on such guilty plea after being given time according to law to reconsider;

Having considered the accused's declaration as minuted in today's sitting, following his guilty plea, that he had enough time to think and reconsider such guilty plea, that he clearly understood the nature of the charges brought against him, and that he understood clearly that his guilty plea, as pointed out by this Court, was to lead to serious consequences in terms of punishment;

Having heard submissions by the prosecution and the defence in terms of punishment;

## **Considers;**

That in view of the accused's guilty plea to the charge proffered against him, and since there is no reason emanating from these proceedings why this Court should not accept such plea, it is the duty of this Court to proceed with judgement and declare the accused guilty as charged.

In terms of punishment, this Court is taking into particular consideration the fact, on the one hand, that the accused pleaded guilty, and on the other, the serious nature of the charges proffered against him.

## **Decide.**

**THEREFORE, THE COURT**, having seen Articles 17, 31, 251A, 251B, 412(C), 383 and 579 of Chapter 9 of the Laws of Malta, and Articles 7, 21 and 25 of Chapter 446, finds and declares offender **Martyn Paul Underwood**, upon his own admission, guilty as charged and condemns him to, a one and all encompassing sanction of, a term of imprisonment of **nine (9) months and to the payment of a fine of €500 (five hundred) Euro**.

Furthermore, the Court decides to issue a **Protection Order in terms of Article 412C of Chapter 9 of the Laws of Malta**

Orders therefore, for the purpose of providing for the safety of Kay Layla Johnston Power and for the purpose of protecting Kay Layla Johnston Power from harassment and/or other conduct which causes fear of violence, that **Martyn Paul Underwood** be bound by this Protection Order in favour of Kay Layla Johnston Power, under the following conditions namely:

1. Prohibits and restricts **Martyn Paul Underwood** from in any way approaching, or following the movements of, or from contacting or molesting Kay Layla Johnston Power;

2. This protection order shall remain in force for the duration of five (5) years from date of this judgment;

Should **Martyn Paul Underwood** contravene any prohibition or restriction imposed upon him by this order, he will be duly exposing himself to the applicable sanctions according to Law, and the Court explained to him in simple and clear language the consequences of this protection order.

Dr Ian Farrugia LL.D  
Magistrate

Marica Mifsud  
Deputy Registrar