



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

Magistrate Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)

Today, the 11th September, 2023

Summary Proceedings No. 7109/2023

**The Police
(Inspector Keith Xerri)**

-vs-

Ben Mawdsley, holder of UK passport number 525683453

The Court,

Having seen the charges brought against the person charged namely with having:

On the 10th of September 2023 at about 00:45am, in 'The White Palace Gentlemen Club' situated in St' George's Street, Paceville, Saint Julian's, and/or in the vicinities:

1. with the intent to commit a crime, manifested such intent by overt acts which were followed by a commencement of the execution of the crime which crime was not completed in consequence of some accidental cause independent of the will of the offender, and if completed would have amounted to theft of 2 bottles of 'Jack Daniels' Whiskey, which is aggravated by time, to the detriment of Ronald Axisa, and/or 'The White Palace Gentlemen Club' and/or other persons or entities;
2. Also for having in the same date, place, time and circumstances, reviled, or threatened, or cause a bodily harm to any person lawfully charged with a public duty that is PC 203 Wayne Azzopardi, 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;

3. Also for having in the same date, place, time and circumstances, without intent to kill or to put the life of PC 203 Wayne Azzopardi in manifest jeopardy, caused him bodily harm, which injuries are of a slight nature as certified by Dr. Juan Ellul Pirotta med reg 3682 of Mater Dei Hospital;
4. Also for having in the same date, place, time and circumstances, attempted to use force against PC 203 Wayne Azzopardi with intent to insult, annoy or hurt such person or others, unless the fact constitutes some other offence under any other provision of the Criminal Code;
5. In the same date, time and circumstances, disobeyed the lawful orders of any authority or of any person entrusted with a public service, 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 other persons from doing what they are lawfully enjoined or allowed to do, or frustrating or undoing what has been lawfully done by other persons, or in any other manner whatsoever, unless such disobedience or interference falls under any other provision of this Code or of any other law.
6. In the same date, place, time and circumstances, wilfully disturbed the public good order or the public peace

The Court was requested that, in case of guilt, to condemn the accused for the payment of costs related to the appointment of experts or architects in the proceedings as contemplated in Article 533 of the Chapter 9 of the Laws of Malta.

Having Considered,

Whereas having heard the person charged plead guilty to the charges brought against him notwithstanding the fact that the Court warned him in the most solemn manner of the legal consequences of his guilty plea, and after having given him sufficient time within which to reconsider and withdraw his guilty plea;

Having heard witnesses;

Having seen all the acts and documents exhibited;

Having heard the prosecution and defence counsel make their submissions;

Considers:

Having heard the defendant guilty pleas to the charges brought against him, the Court has no alternative but to declare him guilty of the said charges.

With regards to punishment the Court took into consideration the defendant's early admission of guilt, his clean criminal records and the circumstances of the case.

With reference to the second and third charges the principle of formal concurrence of offences applies with the graver punishment being that contemplated under the third offence namely Article 221 of the Criminal Code read jointly with article 222(1)(c) of the Criminal Code. Moreover the fourth charge is subsumed by the second and third charges.

In view of the above, the Court, after having seen Articles 17(b)(h), 31, 41(1)(a), 95, 214, 215, 221, 222(1)(c), 261(f), 270, 281(a), 338(1)(dd)(ee) and 339(1)(d), of the Criminal Code, finds the defendant guilty of the charges brought against him and condemns them to the punishment of **fourteen (14) months imprisonment** which by virtue of article 28A of the Criminal Code are being suspended for a period of three (3) years and to the payment of a fine, *multa*, of **eight hundred euros (€800)**.

Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)
Magistrate