



MALTA

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

**MAGISTRATE DR.  
CONSUELO-PILAR SCERRI HERRERA**

Sitting of the 10 th September, 2003

Number 757/2003

**Articles 216(d), 221, 325(d), 338(m), 383, 384  
of Chapter 9 of the the Laws of Malta**

**The Police  
Inspector Pio Pisani  
V**

**PHILIP POWER  
OLIVE CAULFIELD**

**The Court**

Having seen that the accused **PHILIP POWER**, aged twenty five son of George and Ray nee Humphrys, born in Port Lairge, Waterford, Eire, Ireland, on the 28<sup>th</sup> January 1978 and residing at 'The Loft', Passage East, Waterford, Eire, Ireland, in possession of passport number B 122581 and whilst in Malta residing at San Anton Hotel, Room 53, Bugibba, St. Paul's Bay, and

**OLIVE CAULFIELD** aged twenty six daughter of Tom and Marion nee Caulfield born in Port Lairge, Waterford, Eire, Ireland, on the 30<sup>th</sup> December 1976 and residing at 'The Loft', Passage East, Waterford, Eire, Ireland, in possession of passport number T 004977 and whilst in Malta residing at San Anton Hotel, Room 53, Bugibba, St. Paul's Bay, were arraigned before her accused with having in these Islands at the Primera Hotel, situated in Triq il-Hallel, Bugibba, St. Paul's Bay, on the ninth of September 2003 at about 01.00 hours caused grievous bodily harm on the person of Stephen Ridley aged fifty three, holder of passport number 0065708F as certified by Doctor Adrian Spiteri MD registration number 2665.

Also for having in the same place, date, time and circumstances caused slight bodily harm on the person of Raymond Sultana as certified by Doctor Louise Gatt MD registration number 2189 of the Mosta Health Centre.

Also for having in the same place, date, time and circumstances willfully committed any spoil, damage or injury to or upon movable property belonging to Ivan Borg, Managing Director of the Primera Hotel, which damage does not exceed the sum of ten maltese liri.

Also for having in the same place, date, time and circumstances willfully committed any spoil, damage or injury to or upon movable property belonging to Raymond Sultana which damage does not exceed the sum of ten maltese liri.

Also for having in the same place, date, time and circumstances at night time, disturbed the repose of the inhabitants by rowdiness or bawling or in any other manner.

The Court was requested if it where expedient in order to provide for the safety of Stephen Ridley and Raymond Sultana, or for the keeping of the public peace in addition to the punishment applicable to the offence, to bind both accused into their own recognizance in a sum of money to be fixed by the Court.

Having seen all the documents exhibited in the acts of these proceedings by the Prosecution in particular the consent of the Attorney General dated 10<sup>th</sup> September 2003 in order that these proceeding be dealt with summarily.

Having seen that both accused had no objection to their case being dealt with summarily as stated by them in the examination.

Having heard both accused plead guilty when the examination in chief was made to the accused in terms of section 390 (1) of Chapter 9 of the Laws of Malta.

Having cautioned both accused in the most solemn manner with regards to the legal consequences ensuing from their guilty declaration and having given the same accused time to reconsider their guilty plea, both accused insisted on registering a guilty plea as in fact was registered in the acts of these proceedings on the 10<sup>th</sup> September 2003, as can be evidenced from the examination carried out in terms of section 370(1) of Chapter 9.

Having been assured that both accused understood the nature of the accusations brought forward against them had no alternative but to find both accused guilty of such charges.

The Court before proceeding to pronounce judgment, as was its duty to do, heard the Prosecution and the Defense lawyer make their submissions regarding the punishment to be given to both accused.

The Court also took note of the medical certificate regarding Stephen Ridley issued by Doctor Adrian Spiteri on the 9<sup>th</sup> September 2003 exhibited in the records of the proceedings which is marked as document PP 3, together with other relative certifications which are also exhibited and marked as document PP 4 and PP 5.

Having seen the statement released by the accused Philip Power on the 9<sup>th</sup> September 2003 marked as document PP 6 in the records of proceedings and the statement released by the accused Olive Mary Caulfield on the 9<sup>th</sup> September 2003 marked as document PP 7, also in the records of proceedings.

Having heard both victims forgive in open court the accused for their unbecoming behaviour and having seen that the damage caused to them was minimal.

Having heard the Prosecution declare that both accused co-operated with her during the investigation.

Having seen the relevant sections at law in particular Sections 216(d), 221, 325(d), 338(m), 383, 384 of Chapter 9 of the Laws of Malta.

**The Court declares both accused PHILIP POWER and OLIVE CAULFIELD guilty of the charges brought forward against them and condemns them both to a period imprisonment of six months which period is being suspended for a period of two years in terms of section 28H of Chapter 9 of the Laws of Malta.**

In terms of section 28H of Chapter 9 of the Laws of Malta, the Court also binds both accused to pay the sum of seventeen maltese liri to the victims Stephen Ridley and Raymond Sultana within six months from today.

**The Court explained the importance of this judgment to both accused and the consequences if they fail to adhere to it.**

**< Final Judgement >**

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