



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

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

Sitting of the 27th July, 2004

Number 180/2004

**The Police
Inspector Mario Tonna
V**

ADAM CHARLES RICHARD SAMMUT

The Court

Having seen that the accused **ADAM CHARLES RICHARD SAMMUT** aged 31, son of George and Rose nee Iles born in the United Kingdom on the 23rd April 1972 and residing at 'Rosemarie Edith House', D. Famucelli Street, Swieqi, holder of identity card number 703031 was arraigned before her accused with having on the 6th March 2004 between 07.00 hours and 08.30 hours at Elia Zammit Street, Paceville, and St. Julian's and at St. Julian's Police Station situated at the Sacred Heart of Jesus Square, St. Julians;

- a. Assaulted, resisted by violence or active force not amounting to public violence, PS 78 J. Cremona, PC 670 E. Sheldon, PC 1244 N. Sant and PC 787 N. Bajada who are persons lawfully charged with a public duty during the execution of the Law or of a Lawful order as issued by the competent authority;
- b. Also for having reviled or threatened against lawful Police Officers Inspector Mario Tonna, PS 78 J. Cremona, PC 670 E. Sheldon, PC 1244 N. Sant, and PC 787 N. Bajada at both places mentioned above during the same time and circumstances;
- c. Also that during the same time, place and under the same circumstances disobeyed lawful police orders issued to him;
- d. Also for having in both places disturbed the public peace and order;
- e. Also for having inflicted slight bodily harm on the person of Mario Scalpello from Naxxar as a member of the Malta Post plc during his tour of duty;
- f. Also for having by violence and threats compelled the same Mario Scalpello as a member of the Malta Post plc;
- g. Also for having attempted to use force against Mario Scalpello and all mentioned Police Officers with the intent to insult, annoy and hurt such persons or others;
- h. Also for having uttered, insulted and threatened Mario Scalpello;
- i. Also for having voluntarily committed by any means willfully spoiled and damaged any immovable or movable property to the detriment of Malta Post plc at Elia Street, Paceville St. Julian's which damages does not exceed fifty maltese liri but exceeds ten maltese liri;
- j. Also for having at St. Julian's Police Station at about 09.35 hours uttered blasphemous words and expressions;
- k. Also for having by words and writing defamed and attempted to destroy the reputation of the mentioned Police Officers and personnel of the Malta Post plc;
- l. Also for being a recidivist in terms of section 49 and 50 of the Laws of Malta.

Having seen the articles sent by the Attorney General on the 14th July 2004 as can be seen at fol 50 of the acts of these proceedings so that this case be dealt with summarily.

Having heard the accused declare that he has no objection for his case to be dealt summarily as registered during the sitting of the 20th July 2004 as can be evidenced from the declaration at fol 51 of the record of these proceedings.

Having heard the accused plead guilty to all charges brought forward against him during the sitting of the 12th March 2004 as can be evidenced from the declaration at fol 12 of the record of these proceedings.

The Court explained to the accused the consequences of his plea of guilt and after having given the accused sufficient time to reconsider his plea of guilt and saw that the same accused insisted on registering in the acts of these proceedings his plea of guilt, had no alternative but to register such plea.

The Court went on to nominate Miriam Sevasta as Senior Probation Officer to carry out a pre-sentencing inquiry report regarding the accused and this during the sitting of the 12th March 2004.

From a thorough analysis of the report presented in these acts at fol 32 et seq marked as document MS by the Senior Probation Officer Miriam Sevasta it transpires that she is of the opinion that the accused should be put on probation for a period of time so as not to disrupt his family life and working pattern. This officer also stated that the accused feels sorry for the disturbance he caused and apologised immediately, even publicly in the acts of these proceedings on the 3rd May 2004.

The Court took note of the conviction sheet of the accused exhibited as document MT 2 at fol 16 et seq of these acts and it results that the accused has already

appeared in Court in connection with four other cases regarding theft, receiving stolen property, and other minor charges regarding the Traffic Ordinance, when he was given suspended prison sentences and ordered to pay several fines.

Unfortunately it does not appear to the satisfaction of the Court that the accused has registered progress in his behaviour due to the fact that he committed the multiple offences in question.

The Court took note of the document MT 4 exhibited at fol 19 of these acts, whereby Joseph Farrugia, Health and Safety Officer of the Malta Post stated that the company suffered damages amounting to thirty six maltese liri, which amount of money was not compensated for by the accused.

The Court took also note of the public apology made by the accused in these acts in terms of Section 254 of Chapter 9 of the Laws of Malta.

The Court does not feel that it should show clemency towards the accused because it condemns such offences against Public Officers who are carrying out their duties and protecting society at large. It honestly feels that in such circumstances the punishment awarded should be that to serve as a deterrent to others, however, in the light of what the Senior Probation Officer Miriam Sevasta suggested, in view of the early plea of guilt registered in these acts, and the collaboration of the accused from an early stage of these proceedings, as can be evidenced from the statement released by him on the 6th March 2004 [fol 5] a tempo vergine of the investigation, shall not hand out a prison sentence.

Thus, the Court, after declaring the accused ADAM CHARLES RICHARD SAMMUT guilty of the charges brought forward against him and after having seen the relevant sections at law in particular Section 96, 95, 91, 92, 221, 342, 252(1)(2)(3), 325(a), 338(dd)(ee), 339(d)(e), 49, 40, 17(b)(c), 31, 20, 23 and 533 of the Criminal Code, decides to put the accused under the

supervision of a Probation Officer for the maximum period allowed by Law, of three years in terms of section 7(1) of Chapter 446 of the Laws of Malta.

The Court thus orders that a copy of this judgement is sent to the Director Probation Services Limited so as to nominate the appropriate candidate as Probation Officer in this case.

The Court, in addition however, orders the accused to pay, in terms of Section 24(1) of Chapter 446 of the Laws of Malta, the sum of thirty six maltese liri representing the damages caused by him to the Malta Post plc and the sum of three hundred and fifty maltese liri to the Government of Malta in lieu of compensation for the trouble caused to society.

The Court explained the importance of this judgment to the accused in terms of Section 7(7) of Chapter 446 of the Laws of Malta and what would happen should he fails to adhere to it.

< Final Judgement >

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