



MALTA

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

**MAGISTRATE DR.
SAVIOUR DEMICOLI**

Sitting of the 27th October, 2006

Number 1080/2006

**The Police
(Inspector Jesmond Borg)**

VS

Filmon Weldegerigs Bayre

The Court,

Seen the charges brought against Filmon Weldegerigs Bayre of 19 years of age, son of the late Weldegerigs Bayre and Letekidan, born in Asmera, Eritrea on the 26th of October, 1987, currently residing at the Marsa Open Centre for irregular immigrants, Albert Town, il-Marsa and holder of I.D. card No. for irregular immigrants: 05 N N 133 charged:

A) with having, on the night of the 14th and 15th of October, 2006, at around 3.15 a.m., whilst at the Marsa Open Centre for Illegal Immigrants, which is situated at the Marsa cross road street, corner with 'Tat-Tromba' street, Albert Town, assaulted or resisted by violence or active force not amounting to Public violence, Police Constable 984 Oreste Schembri and Police Constable 267 Anthony John Cassar, who were lawfully charged with a Public duty when in the execution of the Law or of a Lawful order issued by a competent authority.

B) With having, on the same date, time, place and circumstances, disobeyed the lawful orders of any authority or of any person entrusted with a Public service or hinders or obstructs such person in the exercise of his duties.

C) With having, on the same date, time, place and circumstances, whilst at the Marsa Open Centre for Illegal Immigrants, which is situated at the Marsa cross road street, corner with 'Tat-Tromba' street, Albert Town, assaulted, Police Constable 984 Oreste Schembri and Police Constable 267 Anthony John Cassar, who were lawfully charged with a Public duty when in the execution of the Law or of a Lawful order issued by a competent authority.

D) With having, on the same date, time, place and circumstances, escaped from Police custody.

E) With having, on the same date, time, place and circumstances, whilst in Albert Town, Marsa, willfully disturbed the Public Good Order and Public Peace by outcries and fighting.

The Court was humbly requested to, apart from applying the necessary punishment as stipulated by Law, to apply art. 383 Chapter 9 of the Laws of Malta in order to safeguard the security of the witnesses involved.

Heard evidence.

Seen the acts of the Case and the exhibited documents.

Informal Copy of Judgement

Seen the Attorney General's Consent exhibited as document number 1.

Noted that in his Examination accused declared that he has no objection to his Case being dealt with summarily.

Also noted that in today's Sitting Prosecuting Officer declared that the Prosecution is withdrawing charge D).

Moreover noted that in today's Sitting accused in the presence of his lawyer declared that he is pleading guilty to all the charges brought against him except for charge D) which was withdrawn by the Prosecution.

The Court warned the accused, in the presence of his lawyer, in the most solemn manner as to the consequences of his admission of guilt and gave him some time to decide whether to confirm his admission of guilt or not, and having been asked, in the presence of his lawyer, whether he confirms his admission of guilt or not, the accused in the presence of his lawyer confirmed that he is pleading guilty to all the charges brought against him except for charge D) which was withdrawn by the Prosecution.

Noted that in today's Sitting accused in the presence of PC 984 Oreste Schembri declared that he apologises for what he did.

Heard submissions on punishment by the Prosecution and Defence.

Seen articles 96, 338(ee), 95 and 338(dd) of Chapter 9 of the Laws of Malta.

Considering that accused Filmon Weldegerigs Bayre pleaded guilty to all the charges brought against him except for charge D) which was withdrawn by the Prosecution, the Court has no alternative but to find said accused guilty of all the charges brought against him except for charge D) which was withdrawn by the Prosecution and having considered all the circumstances

of the Case including accused's clean Conviction sheet, the fact that accused entered his plea of guilt to the said charges in the early stage of the proceedings and also the fact that in today's Sitting accused in the presence of PC 984 Oreste Schembri declared that he apologises for what he did and having seen articles 28A and 28B of Chapter 9 of the Laws of Malta, condemns accused Filmon Weldegerigs Bayre to the punishment of one (1) year imprisonment and orders that this Sentence as regards the punishment of imprisonment should not take effect unless during the period of three (3) years as from today accused Filmon Weldegerigs Bayre commits another offence punishable with imprisonment.

As regards charge D) brought against said accused this charge was withdrawn by the Prosecution.

Moreover, the Court, with the application of article 383(1) of Chapter 9 of the Laws of Malta, binds accused Filmon Weldegerigs Bayre with a personal guarantee of one hundred Maltese Liri (Lm100) to keep the peace with PC 984 O. Schembri and PC 267 A. J. Cassar and generally not to disturb the public good order for a period of one (1) year as from today.

Finally the Court is giving accused Filmon Weldegerigs Bayre the explanation prescribed in article 28A(4) of Chapter 9 of the Laws of Malta.

< Final Judgement >

-----END-----