



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

**MAGISTRATE  
DOREEN CLARKE**

Sitting of the 1<sup>st</sup> November, 2009

Number 1169/2009

**The Police  
[Inspector Bernard Spiteri]**

**vs**

**Shawn Samuel McCulloch**

**Case Number 1169/2009**

Today the 1<sup>st</sup> November 2009,

The Court,

Having seen the charges brought against the accused Shawn Samuel McCulloch, aged 43 years, son of Lawrence John and Jin Rose Mary nee` Laing

Shawn Samuel McCulloch, aged 43 years Son of Laurence John and Jin Rose Mary nee` Laing, born in

Perth, United Kingdom, On the 29th January 1966 and resides at Temporary in Malta DryDocks, Malta Holder of Passport Number 099056299

And charged him with having in these Islands on the 1<sup>st</sup> November 2009, at around 3.00a.m. in St. Rita Stepa, Paceville and in the vicinity:-

1. Assaulted or resisted by violence or active force, Pc 1396 Christian Schembri and Pc 1468 Dirk Pace, persons lawfully charged with a public duty when in the execution of the law or of a lawful order, issued by a competent authority in breach of Article 96 of Chapter 9 of the Laws of Malta.

2. Disobeyed the lawful order of any authority or of any person entrusted with a public service or hindered or obstructed such person in the exercise of their duties, or duly 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 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 manner whatsoever, in breach of Article 338(ee) of Chapter 9 of the Laws of Malta.

3. Refused to give or untruthfully gives to any public officer or any other person entrusted with a public service in the actual exercise of his duties, his name, surname, address and other particulars.

4. In any public place or place open to the public was found drunk and incapable of taking care of himself.

5. Removed or otherwise interfered with any receptacle for litter provided by the Government in any street or other public place or any dustbin deposited for collection at any place.

Having seen sections 96 and 338(g)(ee)(ff) of Chapter 9 of the Laws of Malta and section 6 of Chapter 206 of the Laws of Malta.

Having heard the accused plead guilty to the charges brought against him, which plea was confirmed even after the Court warned the accused of the consequences of his plea and afforded to him sufficient time within which to withdraw his guilty plea.

Having seen the documents filed by the prosecution.

Having heard the oral submissions made by the parties regarding the penalty to be meted out.

Having considered:

That the accused replied guilty to the charges brought against him; these are consequently sufficiently proved.

That, in so far as the penalty to be meted out is concerned, the accused co-operated with the competent authorities in their investigation and admitted the charges brought against him in the initial stages of the procedures.

For these reasons

The Court, after having seen sections 96 and 338(g)(ee)(ff) of Chapter 9 of the Laws of Malta and section 6 of Chapter 206 of the Laws of Malta, on defendant's admission finds him guilty of the charges brought against him and with regard to the fifth charge condemns him to a fine (multa) of seventy five Euros (Euro 75) and with regard to the other charges by application of section 22 of Chapter 446 of the Laws of Malta discharges him on condition that he does not commit an other offence in the period of one year.

The Court explained to the guilty party in ordinary language of the consequences should he commit an other offence during the period of one year.

Informal Copy of Judgement

**< Final Judgement >**

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