



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

**MAGISTRATE
ANTONIO GIOVANNI VELLA**

Sitting of the 11 th May, 2010

Number. 464/2010

**POLICE
INSPECTOR NIKOLAI SANT**

VS

KUHN MANJA

The Court;

After seeing the charges brought against:

Kuhn Manja of 25 years, daughter of Rainer and Birgitt nee' Kraski, born in Bergen, Jetz Bergen Auf Rugen, Germany on the 28th February 1985, residing at No. 29 University Residence, Flat 1, Robert Mifsud Bonnici Street, Lija and holder of German Identity Card No. 048910079;

With having on the 11th May 2010 at around 02.15hrs at Havana Club, St. George's Road, Paceville St. Julian's;

1) Assaulted or resisted by violence or active force not amounting to public violence, PS 157 Brian Mifsud and PC 1144 Paul Vella;

2) Reviled or threatened or caused bodily harm to any person lawfully charged with a public duty, whilst in the act of this charging his duty or because of his having discharged such duty or with intent to intimidate or unduly influence him in the discharge of such duty against PS 157 Brian Mifsud and PC 1144 Paul Vella;

3) Wilfully disturbed the public good order or the public peace;

Considers:

After having seen Articles 95, 96, 338 (dd) and 383 of Chapter 9 of the Law of Malta;

After having seen the accused admit the charges brought against her, which admission was confirmed by her after having been given due time to reconsider in accordance with the law;

After having heard the evidence and the documents exhibited;

Considers;

The incident involving the accused occurred when the Police authorities tried to arrest a friend of the accused, Thomas Zalewski, after the latter had caused damage to a cigarette vending machine. It appears that she verbally abused the Police and even tried to assault them, in order to prevent them from doing their duty and arresting her friend. The Police had no other option but to arrest her too, and consequently the charges pertaining to this case

were issued. Even though her behaviour was aggressive and excessive towards the authorities, the incident itself was of no serious consequence. When she realised that her behaviour was uncalled for in the circumstances, the accused immediately stopped and cooperated fully with the Police from then on. In her appearance in Court, she also publicly apologised for the whole incident. For these reasons, and in such circumstances, the Court does not deem it fit to condemn the accused to a punishment of imprisonment, but rather opts for a conditional discharge in this case.

Now, therefore, the Court:

After having heard the accused's plea and after having given the time prescribed by Law for the accused to consider her plea, this Court finds the said accused guilty as charged and discharges her from any punishment on condition that she does not commit another offence within the period of one (1) year from today, in accordance with the provisions of Article 22 Chapter 446 of the Law of Malta.

The Court explained in clear words the terms of the judgement to the accused.

< Final Judgement >

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