

Kopja Informali ta' Sentenza



**QORTI TAL-MAGISTRATI
(GHAWDEX) BHALA QORTI TA' GUDIKATURA
KRIMINALI**

**MAGISTRAT DR.
EDWINA GRIMA**

Seduta ta' l-20 ta' Mejju, 2010

Numru. 45/2009

**Police
(Inspector Frank Anthony Tabone)**

vs

**Maria Frances Day, 37 years, daughter of Anthony
Gustone and Lesley nee' Inkpin,
born in United Kingdom, on the 16th October 1971,
and residing at Loretta, Dun Guzepp Vella Street,
Qala, Gozo and Ortensia Crt, Fl 6, Hotba Street, Qala,
Gozo, holder of Identity Card No. 38541A**

The Court;

Having seen the charges brought against Maria Frances Day charged with having in Qala Gozo, on the night between the 7th and 8th July 2009;

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1) Assaulted or resisted by violence or active force PC1097 Mario Casha, a person lawfully charged with a public duty when in the execution of the law or a lawful order issued by a competent authority;

2) And with having on the same date, time, place and circumstances insulted or threatened PS1233 John Attard, PS1407 Francis Portelli and PC1097 Mario Casha, PC1494 Emanuel Camilleri, persons lawfully charged with a public duty, while in the act of discharging their duty or because of them having discharged such duty or with the intent to intimidate or unduly influence them in the discharge of such duty;

3) And also with having on the same date, time, place and circumstances caused slight injuries to PC1097 Mario Casha as certified by Dr. A Psaila MD a person lawfully charged with a public duty, while in the act of discharging 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;

4) And 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 hindered or obstructed such person in the exercise of his duties, or otherwise unduly 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 or undoing what has been lawfully done by other persons, or in any other manner whatsoever, unless such disobedience or interference falls under any other provision of this Code or of any other law;

5) And with having on the same date, time, place and circumstances, wilfully disturbed the public good order or the public peace.

Having seen the documents exhibited;

Having heard the evidence;

Having seen the Articles of Law sent by the Attorney General of the 10 May 2010;

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Having heard the accused admit to the 1st, 2nd and 5th charges brought against her which admission of guilt was reaffirmed after having been given sufficient time according to Law to reconsider the same;

Having heard submissions with regards to punishment;

Considers:

That in view of the guilty plea filed by the accused to the 1st, 2nd and 5th charges brought against her the Court finds the accused guilty of the same. With regards to the 3rd and 4th charges brought against the accused, it results from the Articles of Law sent by the Attorney General in terms of Section 370(3)(a) of Chapter 9, the said charges were not included and therefore the Court abstains from taking cognisance of the said charges;

That in considering the punishment to be inflicted the Court is taking into consideration the circumstances within which the incident has taken place and the state of mind of the accused who at the time was seriously concerned about the wellbeing of her son who was allegedly a victim of abuse;

Consequently the Court after having seen Sections 95(1), 96(a), 338(ee) of Chapter 9 of the Laws of Malta whilst abstaining from taking cognisance of the 3rd and 4th charges brought against the accused, finds her guilty of the 1st, 2nd and 5th charges brought against her and in view of the above made considerations and after having seen Section 22 Chapter 446 of the Laws of Malta, discharges the accused on condition that she does not commit another crime within three (3) years from today.

The Court warns the accused of the consequences according to Law if she commits another crime during this period of conditional discharge.

< Sentenza Finali >

Pagna 3 minn 4

Qrati tal-Gustizzja

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