



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

**MAGISTRATE DR.
JACQUELINE PADOVANI**

Sitting of the 21 st March, 2010

Number 269/2010

**POLICE
INSPECTOR ROBERT VELLA
INSPECTOR RAMON MERCIECA
VS
TEAME GEBREMIHRET TESFAMARYAM**

The Court,

Having seen the charges brought against the accused Teame Gebremihret Tesfamaryam of 27 years, son of Gebremihret and Letekidan nee' Yewhnns, born in Eritrea on the 26 of February 1983 and residing at Marsa Open Centre, Xatt il-Mollijiet, Marsa, and holder of Identity Card number 34802A.

And charged on having on the 19th of March 2010 at about 20.45hrs in the Maltese Islands assaulted or resisted by violence or active force not amounting to public violence, any person lawfully charged with a public duty when in the execution of the law or of a lawful order

issued by a competent authority and that is against PC 1456 Jonathan Cassar and PC 681 Noel Muscat and this in terms of section 96 of Chapter 9 of the Laws of Malta;

And charged also on having on the same day, date, place and circumstances reviled, or threatened, or caused a bodily harm to any person lawfully charged with a public duty, against PC 1456 Jonathan Cassar and PC 681 Noel Muscat, while in the act of discharging their duty or because of them having discharged such duty, or with intent to intimidate or unduly influence them in the discharge of such duty, and this in terms of Section 95 of Chapter 9 of the Laws of Malta;

And charged also on having on the same day, date, place and circumstances caused a slight bodily harm to PC 1456 Jonathan Cassar and PC 681 Noel Muscat and this as certified by Dr. Andrew Amato Gauci M.D. (Reg.no.3209) from Floriana Health Centre, and this in terms of Section 221 of Chapter 9 of the Laws of Malta;

And charged also on having on the same day, date, 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, or otherwise unduly interferes 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, and this in terms of Section 338(ee) of Chapter 9 of the Laws of Malta;

And charged also on having on the same day, date, place and circumstances attempted to use force against any person with intent to insult, annoy, or hurt such person or others that is against, utters insults or threats not otherwise provided for in this Code, or being provoked, carries his insult beyond the limit warranted by the provocation and this against the persons of PC 1456 Jonathan Cassar and PC 681 Noel Muscat, and this in

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terms of Section 339(d) and (e) of Chapter 9 of the Laws of Malta;

And charged also on having on the same day, date, place and circumstances in any manner not otherwise provided for in this Code, wilfully disturbed the public good order or the public peace and this in terms of Section 338(dd) of Chapter 9 of the Laws of Malta;

And charged also on having on the same day, date, place and circumstances pushed PC 1456 Jonathan Cassar and PC 681 Noel Muscat in the street with the object of hurting or insulting such person and this in terms of Section 339(1)(l) of Chapter 9 of the Laws of Malta.

Thus whilst exhibiting the conviction sheers and the ID Card of Teame Gebremihret Tesfamaryam we request that this case be investigated according to Law.

Furthermore this Honourable Court is kindly requested in case of conviction of the above mentioned to provide for the security of PC 1456 Jonathan Cassar and PC 681 Noel Muscat and this in terms of Sections 383, 384 and 385 of the Laws of Malta.

Having heard the evidence tendered on oath;

Having heard the guilty plea registered by the accused;

Having heard the confirmation of the said guilty plea by the accused after the Court accorded the accused a reasonable time for reconsideration;

Having heard the oral submissions of the parties;

Deliberates:

On the strength of his own guilty plea, the Court finds the accused **Teame Gebremihret Tesfamaryam** guilty as charged with the second to the seventh (7) charge absorbed in terms of punishment in the first (1) charged,

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and after having seen Articles 96, 95, 221, 339(d)(e), 338(dd) u 342, 28A of Chapter 9 of the Laws of Malta, **condemns the accused to six (6) months imprisonment suspended for two (2) years.**

This punishment was accorded after the Court took into consideration the early registration of the plea of guilt, clean conduct record of the accused and the fact that the Police Officer involved only sustained a few very minor scratches.

< Final Judgement >

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