



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

**MAGISTRATE DR.
NEVILLE CAMILLERI**

Sitting of the 17 th September, 2012

Number. 263/2012

**The Police
(Inspector Saviour Baldacchino)**

vs.

Francis Opoku

The Court,

After having seen the charges brought against Francis Opoku of twenty eight (28) years, son of Kwaku Addei and Ama Boahemaa, born in Ghana on the 26th of July 1983 and resides at Blk C, Flt 4, Fingest Court, Triq it-Torri, Msida and holder of Maltese identification card number; 42442A, charged with:

Having in Msida on the 2nd of March 2012 at around 21:00, without intent to kill or to put the life of Peter Kyerene ID: 45746A in manifest jeopardy, caused injuries

of grievous nature on his face by usage of arms improper (Glass) as certified by Dr. R.Armatys Reg. No. 2788 as per Articles 217 and 218 (1) b of Chapter 9 of the Laws of Malta.

After having examined all documents forming part of the proceedings.

After having seen the note of the Attorney General¹ by means of which he sent the accused to be tried by this Court as a Court of Criminal Judicature under the provisions of Sections 214, 216(1)(b), 218(1)(b) and 218(2) of the Criminal Code.

After having heard the testimony of various witnesses, including the testimony of Peter Kyereme² who testified that he wanted to forgive the accused.

After having heard the accused plead guilty to the charge brought against him notwithstanding the fact that the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him in the most solemn manner of the legal consequences of his guilty plea after having given him sufficient time within which to reconsider and withdraw his guilty plea.

Considers

Having heard the admission of the accused to the charge brought against him, the Court necessarily finds the accused guilty of the charge brought against him.

With regards to the punishment, the Court will be taking into consideration various factors, amongst which, the forgiveness by Peter Kyereme and the guilty plea registered by the accused.

¹ A fol. 54.

² A fol. 30

Informal Copy of Judgement

Therefore, whilst having seen and considered Sections 214, 216(1)(b), 218(1)(b) and 218(2) of Chapter 9 of the Laws of Malta, the Court finds the accused guilty of the charges brought against him and in terms of Section 22 of Chapter 446 of the Laws of Malta the Court is conditionally discharging the accused subject to the condition that he does not commit another offence within a period of three (3) years from date of this judgement

In terms of Section 22(3) of Chapter 446 of the Laws of Malta the Court explained to the accused in ordinary language that if he commits another offence during the said period of three (3) years from date of this judgement, he will be liable to be sentenced for the original offence.

< Final Judgement >

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