



MALTA

COURT OF MAGISTRATES
(GHAWDEX) AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR.
NEVILLE CAMILLERI

Sitting of the 28 th May, 2014

Number. 11/2013

The Police
(Inspector Bernard Charles Spiteri)

vs.

Matthew Philip Bunting

Number: 11/2013

Today 28th of May 2014

The Court,

Having seen the charges¹ brought against **Matthew Philip Bunting**, holder of Identity Card Number 64966(A), aged nineteen (19) years, son of Stephan and Margaret neé Cox, born in United Kingdom, on the 5th April 1993 and resides at 1, 'Ta' Bernard', Wileg Street, Qala, Gozo, charged with having in these Islands on the 27th January 2013, at around 3.30 a.m., whilst he was in Qala Road, Ghajnsielem and in the vicinity:

1. assaulted or resisted by violence or active force, PC 555 Fabio Schembri and PC 800 Jason Mercieca persons lawfully charged with a public duty when in the execution of the law or of lawful order, issued by a competent authority in breach of Article 96 of Chapter 9 of the Laws of Malta;
2. on the same date, time, place and circumstances reviled, threatened or caused bodily harm to PC 555 Fabio Schembri and PC 800 Jason Mercieca, persons charged with a public duty, 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, in breach of Article 95 of Chapter 9 of the Laws of Malta;
3. on the same date, time, place and circumstances caused slight injuries on the person of PC 555 Fabio Schembri and PC 800 Jason Mercieca;
4. on the same date, time, place and circumstances 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

¹ *A fol. 4 et seq.*

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, in breach of Article 338(ee) of Chapter 9 of the Laws of Malta;

5. on the same date, time, place and circumstances willfully disturbed the public order and peace in breach of Article 338(dd) of Chapter 9 of the Laws of Malta;
6. on the same date, time, place and circumstances in any public place or place open to the public was found drunk and incapable of taking care of himself;
7. on the same date, time, place and circumstances, through imprudence, negligence or unskillfulness in his trade or profession or through non-observance of any regulation, caused damage on vehicle type Hyundai Accent bearing registration number KAR 639 to the detriment of Antoine Dimech and/or other people;
8. on the same date, time and circumstances through imprudence, negligence or unskillfulness in his trade or profession, or through non-observance of any regulation involuntary caused slight injuries to the person of Miriam Sultana;
9. on the same date, time, place and circumstances, through imprudence, negligence or unskillfulness in his trade or profession or through non-observance of any regulation, caused damage on vehicle type Toyota Corolla bearing registration number KBH 664 to the detriment of Marlene Fiorentino and/or other people;

10. on the same date, time, place and circumstances, with the intention of making temporarily use thereof, had driven a vehicle type of the make Toyota Corolla, bearing registration number KBH 664, whether propelled by mechanical power or any other means, without having either the consent of the owner thereof or other lawful authority;
11. on the same date, time, place and circumstances, driven vehicle of the make Toyota Corolla, bearing registration number KBH 664, on a road without a valid driving licence issued by the competent authority;
12. on the same date, time, place and circumstances, driven vehicle of the make Toyota Corolla, bearing registration number KBH 664, on a road without being covered by an insurance policy;
13. on the same date, time, place and circumstances, driven the mentioned vehicle in a reckless, negligent or dangerous manner;
14. on the same date, time, place and circumstances, after he was driving vehicle of the make Toyota Corolla, bearing registration number KBH 664, he was involved in an accident involving personal injury to another person or damage to any vehicle, animal or other property, he failed to stop;
15. on the same date, time, place and circumstance, driven vehicle of the make Toyota Corolla, bearing registration number KBH 664, at an excessive speed;
16. on the same date, time, place and circumstance, refused or failed to do the breathalyser test.

The Court was humbly requested that, in case of conviction, in addition to any other punishment, the offender would be disqualified from holding or obtaining a driving licence for a period that is stipulated by the same Court.

Having seen the documents exhibited and all the acts of the proceedings.

Having seen the Articles of Law sent by the Attorney General on the 3rd. May 2013 (*a fol. 95*):

- (a) Article 95 of Chapter 9 of the Laws of Malta;
- (b) Articles 96(a) and 98 of Chapter 9 of the Laws of Malta;
- (c) Articles 221, 222(1)(c) of Chapter 9 of the Laws of Malta;
- (d) Articles 338(dd), (ee), (ff) of Chapter 9 of the Laws of Malta;
- (e) Article 328 of Chapter 9 of the Laws of Malta;
- (f) Articles 15, 15(1), 15E(4), 15H and 61 of Chapter 65 of the Laws of Malta;
- (g) Article 67(1) of Subsidiary Legislation 65.11 of the Laws of Malta;
- (h) Articles 17, 23, 31 and 533 of Chapter 9 of the Laws of Malta.

Having seen that, during the sitting of the 2nd. October 2013 (*a fol. 131*), the Articles of Law sent by the Attorney General on the 3rd. May 2013 (*a fol. 95*) were read out, during which sitting the accused declared that he does not object for his case to be tried and decided summarily.

Having heard, during the sitting of the 2nd. October 2013 (*a fol. 131 et seq.*), the accused plead guilty to the charges numbered

one (1), two (2), three (3), four (4), five (5), eleven (11) and twelve (12), 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.

Having heard all the evidence brought forward by the Prosecution.

Having heard the defence declare that it has no evidence to produce in this case.

Having heard the Prosecuting Officer remit himself to the evidence brought forward in these proceedings (*a fol. 149*).

Having heard oral submissions by the defence (*a fol. 150 et seq.*).

Considers

That, during the sitting of the 5th of February 2013, **Dr. Coronato Grech** gave his testimony (*a fol. 20 et seq.*) regarding the medical certificates drawn up by him. He testified that he even examined the accused who alleged that he was hit on the face.

During cross-examination, Dr. Grech testified that he examined the accused at approximately 5.30am. Asked if the accused was

oriented to time and place when being examined, the witness replied in the affirmative.

That, during the sitting of the 5th of February 2013, **Antoine Tabone** also gave his testimony (*a fol. 26 et seq.*) saying that he was driving the car accompanied by his fiancée Miriam Sultana and all of a sudden he could see a vehicle being driven from the opposite direction at a high speed. He says: “*Rajt il-karozza gejjja merfugha. [...L-]jewwel jaqbad, il-karozza tieghu taqbad il-hajt u qisu xi sitt piedi quddiemha ssib l-arblu l-karozza tieghu. Il-karozza tahbat gol-arblu. Kif tahbat gol-arblu tant kemm kienet miexja, ittir m'ghola sular [...] tahbat hekk go fih [go l-arblu] u kif tahbat go fih terga' tinqala' u tigi hekk bil-faccata tieghu ghal go fija hekk*” (*a fol. 28*). He says that this vehicle collided in his vehicle, saying: “*Bid-daqqa li tani, tieghu terga' tibbawnsja lura ghal fuq il-linja tieghu – jien kelli l-hgiega mtella' [...] il-hgiega tinfaqa' go wicci, jien niehu daqqa...*” (*a fol. 28*). He further says: “*L-gharusa kienet hdejja, naghti daqqa lilha u hi tahbat bid-daqqa li ntiha jiena u bid-daqqa tal-karozza stess*” (*a fol. 28*). The witness exhibited twenty-two photos marked as Doc. “AT 1” to “AT 22” (*a fol. 37*). He also exhibited three quotations marked as Doc. “AT 23” to “AT 25” (*a fol. 38 et seq.*). He notes that the other vehicle was driven by the accused, who ran away, and, after a while, the passenger in the vehicle of the accused vehicle ran away too. Asked if the accused acted normally, he replied: “*Hu ma kienx normali bhalma kont jien. [...] Hu kien qisu mifxul; ma kienx qed jirraguna hekk normali. Issa ma nafx jekk hux l-effett tad-daqqa jew kellu xi haga, ma nafx*” (*a fol. 33*).

During cross-examination the witness confirms that the surface of the road was wet because it had rained. He says that even though he spoke in Maltese and the accused spoke in English, they still managed to communicate.

That, during the sitting of the 5th. of February 2013, **PS 664 Jason Xerri** also gave his testimony (*a fol. 41 et seq.*) regarding the report (Doc. "JX 1" - *a fol. 45 et seq.*) and the sketch (Dok. "JX 2" - *a fol. 53*) drawn up by himself. PS 664 testifies that both vehicles involved in the collision sustained extensive damages. He says that the police from the mobile squad suspected that the accused was under the influence of alcohol. In his report, the witness notes that the accused had a strong smell of alcohol. He also exhibited a quotation of the damages (Doc. "JX 3" - *a fol. 54*) sustained by EneMalta. The witness testifies: "*kien jidher [the accused] fi stat agitat hafna u kien anke smajtu jghid li kien ir-Rabat, il-Pyramid Disco u xi hadd kien hadlu c-cwiewet tal-karozza minn fuq il-bar u kien telaq jimxi u ma jaf b'xejn li gara*" (*a fol. 44*).

That, during the sitting of the 5th. of February 2013, **PS 559 Jason Spiteri** also gave his testimony (*a fol. 55 et seq.*) saying that he accompanied the accused and other police officers to the Victoria Police Station so that they could administer the breathalyser test. He says that the accused was saying silly things and that he never admitted that he was driving the vehicle. The witness notes that the accused accepted to do the breathalyser test but did not blow enough in the machine. The results were exhibited and marked as Doc. "JS 1" (*a fol. 58*). When asked why he felt to need to do the breathalyser test, he replied: "*Ghaliex x'hin rkibt gol-karozza kien hemm riha ta' alkohol u fl-istess hin kif beda jitkellem maghna, dan beda jghid li hu boxer, li "I kick the shit out of you!" kien jidher li mhux, li mhux qieghed jitkellem f'sensih mija fil-mija*" (*a fol. 56*).

That, during the sitting of the 5th. of February 2013, **PC 555 Fabio Schembri** also gave his testimony (*a fol. 59 et seq.*) saying

that the person accompanying the accused told them they were involved in a traffic accident and since the accused told him that he had no licence, he told him to run away, which they both did. Eventually, the accused was also traced and he denied that he was involved in any accident. PC 555 testifies: *“kellu riha ta’ alkohol u kien jidher li ma jafx x’inh u qieghed jagħmel”* (a fol. 60). He says that the accused hit him and that the accused offended them.

During cross-examination, asked if the accused should ask for an apology, the witness replied: *“Mhux problema, m’ghandi xejn personali kontra l-imputat. Li għamel, jiena nissuspetta li kien taht l-influwenza tal-alkohol jew drogi oħra”* (a fol. 62). Asked if the accused was alert, he replies: *“Iva, kien qed jirrispondi. F’hin minnhom, ma nafx hux sforz tal-alkohol jew ma nafx, anke beda jkanta fil-karozza, pero, kien jaf x’inh u jghidilna, x’hin beda jghajjarna kien jaf x’inh u jghidilna”* (a fol. 63).

That, during the sitting of the 5th of February 2013, **PC 800 Jason Mercieca** also gave his testimony (a fol. 65 et seq.) testifying on the same lines of PC 555. He says that the person accompanying the accused told them it was the accused who had been driving the vehicle when the accident occurred. He also says that eventually they traced the accused who at first refused to co-operate. He also says that the accused hit him in his jaw. The witness testifies that the accused had a strong smell of alcohol, saying also that the accused was continuously offending them and speaking badly. PC 800 testifies that when the accused was administered the breathalyser test, he failed to blow and hence no alcohol was traced. He describes the accused as being aggressive towards them and as being not normal, saying: *“Kif ikellmuh il-Pulizija, persuna, u taqbad u*

ixxejjer idejk, ixxejjer saqajk, titkellem hazin, u ma tikkalkula lil hadd, ma nafx jien” (a fol. 67).

Under cross-examination, asked if the accused should ask for an apology, the witness replied: *“Ifhem, jiena ghalih personali m’ghandi xejn” (a fol. 67).* He says that the accused had such a strong smell of alcohol that, even though it was very cold, he had to open the car window.

That, during the sitting of the 15th. of May 2013, the Prosecuting Officer **Inspector Bernard Charles Spiteri** gave his testimony (*a fol. 97 et seq.*) regarding the investigations carried out by the Police. He says that it was established that, after being involved in the traffic accident, the accused left the vehicle alone but was arrested some thirty minutes later or so by the mobile police after they carried out some searches for him. He exhibited a number of documents marked as Doc. “BS 1” to “BS 5” (*a fol. 100 et seq.*).

That, during the sitting of the 10th. of July 2013, **Saviour Farrugia** (on behalf of Transport Malta) gave his testimony (*a fol. 120*) saying that whilst vehicle bearing registration number KAR 639 is registered on Alfred Mercieca, vehicle bearing registration number KBH 664 is registered on Marlene Bunting. He exhibited two log books marked as Doc. “SF 1” and “SF 2” (*a fol. 121 et seq.*)

That, during the sitting of the 10th. of July 2013, **Joseph Schembri** (Foreman at Enemalta Corporation) also gave his testimony (*a fol. 123 et seq.*) saying that the accused paid for all

the damages sustained by EneMalta. He says that the damages amounted to one hundred and sixty four Euros (€ 164.00).

During cross-examination, he confirms that EneMalta does not have any further claims as regards this incident.

That, during the sitting of the 2nd. October 2013, **Lorenzo Tabone** (*a fol. 133 et seq.*) gave his testimony saying that he went to Zeppi's Pub where the accused worked and they had a drink together. Then they proceeded to Club Pyramid in Victoria and they had four drinks (two drinks each), later specifying that they were spirits. He says that eventually the accused told him to go home and he (Tabone) asked the accused whether he was fit for driving and the accused replied in the affirmative. He says: *"X'hin saq, ahna u sejr in lejn id-dar, ghidtlu jien biex isug bil-mod peress li t-triq kienet imxarba, u f'kantuniera ta' bejn ir-Rabat u l-Qala, ta' bejn ix-Xewkija u l-Qala skidjatlu u bqajna dehlin go hajt. Malli dahal go hajt hu hareg u qal lil dak li habat mieghu li m'ghandux licenzja u mhux inxurjat"* (*a fol. 134*). He says that the accused was driving at a speed of 60, without specifying whether it was kilometers or miles. He says: *"X'hin habat go hajt giet karrozza minn kontra l-linja, ghax hu qasam il-linja, u habtu l-karozzi go fina"* (*a fol. 136*).

During cross-examination he confirms that the accident did not occur in a built-up area.

Considers

The First (1st.), the Second (2nd.), the Third (3rd.), the Fourth (4th.), the Fifth (5th.) and the Eleventh (11th.) Charges -

(Sections 95, 96(a), 221, 222(1)(c), 338(dd), 338(ee) of Chapter 9 of the Laws of Malta and Section 15(1)(a) of Chapter 65 of the Laws of Malta):

That, during the sitting of the 2nd. October 2013 (*a fol. 131 et seq.*) the accused pleaded guilty to the above-mentioned charges and hence such charges have been sufficiently proven. The accused will be found guilty of the mentioned charges. The Court notes that the accused pleaded guilty also to the twelfth (12th.) charge, yet this charge will be dealt with separately below.

Finally, in the Articles of Law sent by the Attorney General on the 3rd. May 2013, the Attorney General indicated Article 98 of Chapter 9 the Laws of Malta. This reads as follows: *“Where any of the crimes referred to in article 96 be accompanied with public violence, the punishment shall be imprisonment for a term from two to five years”*. The Court, whilst noting that Article 63 of the Chapter 9 of the Laws of Malta specifies that any offence committed by three or more persons assembled with intent to commit an offence, and two of whom carry arms proper, shall be deemed to be accompanied with public violence, also notes that this does not result in any way whatsoever from the Acts of the Case and hence the accused will not be found guilty of Article 98 of Chapter 9 of the Laws of Malta.

The Sixth (6th.) and the Sixteenth (16th.) Charges -

(Section 338(ff) of Chapter 9 of the Laws of Malta and Section 15E(4) of Chapter 65 of the Laws of Malta):

The Court heard all the police officers testify that the accused had a severe smell of alcohol, so much so that one of them

could not bear it and had to open the car window. On its own, smelling a strong smell of alcohol is not enough to prove that a person is unfit for driving. The Court notes how the accused acted after the accident occurred, especially when he was traced by the police officers who testified what he said to them. The Court also heard that the accused failed to blow properly in the machine when he was doing the breathalyser test. In his statement (Doc. "BS 1" - *a fol. 100 et seq.*), when the accused was asked what was the reason why he failed to do the breathalyser test, he replies that he tried but the machine was not working properly. He reached this conclusion because the mouth piece had to be changed! When the accused was asked why he had a strong smell of alcohol, he replies that it was due to his after shave. Furthermore, the Court notes that the police officers spoke to the accused after thirty minutes or so, and that Dr. Coronato Grech, who testified that the accused was alert, spoke to him after about three hours.

In the judgement delivered by the Court of Criminal Appeal on the 15th. September 2000 in the case **Il-Pulizija vs. Joseph Bonnici**, the Court held the following:

"Jekk persuna tirrifjuta u sia jekk persuna tonqos milli taghti kampjun kif mahsub taht l-Artikolu 15E, tikkometti reat. Ghal tali rifjut jew nuqqas, il-ligi tipprovd difiza wahda: Izda tkun difiza ghal dik il-persuna jekk tipprova li n-nuqqas taghha li taghti kampjun kien minhabba l-inkapacita' fizika jew mentali li taghtih jew ghaliex l-ghoti tieghu kien jaghti lok ghal riskju sostanzjali ghal sahhitha [...] Meta l-ligi titkellem dwar 'inkapacita' fizika jew mentali' qed tirreferi ghal inkapacita' li trid tezisti indipendenement mill-istat ta' intossikazzjoni li tkun fiha l-persuna li tintalab taghti l-kampjun".

Considering all this, including document marked as Doc. "JS 1" (*a fol.* 58), the Court has no doubt whatsoever that the mentioned charges have been sufficiently proven and hence the accused will be found guilty of them.

The Seventh (7th), the Eight (8th), and the Ninth (9th) Charges

(Section 328 of Chapter 9 of the Laws of Malta):

The Court, whilst making reference to seventh (7th.) and the eight (8th.) charges, notes that during the sitting of the 15th. May 2013 (*a fol.* 96) it had been minuted that the injured parties renounced to criminal action. Hence, the Court will declare the proceedings with regards to the mentioned charges (the seventh (7th.) and the eight (8th.) charges) as being extinguished.

As regards the ninth (9th.) charge, the injured party Marlene Fiorentino was not even called to testify in these proceedings. There is not enough proof for the Court to find the accused guilty of the mentioned charge.

The Tenth (10th.) Charge -

(Section 61 of Chapter 65 of the Laws of Malta):

The owner of the vehicle in question was not called to testify and hence the Court has no alternative but to acquit the accused from this charge due to lack of evidence.

The Twelfth (12th.) Charge -

(Section 3 of Chapter 104 of the Laws of Malta):

The Court notes that during the sitting of the 2nd. October 2013 (*a fol. 131 et seq.*) the accused pleaded guilty even to this charge. Yet, the Court notes that the article of law from which this charge emanates has not been listed in the note of the Attorney General (*a fol. 95*). Since the Court can only deal with the articles of law listed by the Attorney General, the Court cannot find guilt of any other article of law which is not listed. This was confirmed in several cases, namely the case in the names **Il-Pulizija vs. Joseph Grima**, decided on the 2nd. February 2012 by the Court of Magistrates (Gozo) as a Court of Criminal Judicature. Hence, the Court has no alternative but to abstain from taking any further cognizance of this charge.

The Thirteenth (13th.) Charge -

(Section 15(1) of Chapter 65 of the Laws of Malta):

It is clear in our legal system as to what constitutes reckless, negligent or dangerous driving. In the judgment in the names **Il-Pulizija vs. Michael Grech** delivered on the 20th. February 2007, the Court of Criminal Appeal stated:

*“Kif gie ritenut minn din il-Qorti ripetutamente u kif intqal fl-Appell Kriminali **Il-Pulizija vs. Alfred Mifsud** deciz fis-6 ta’ Mejju 1997 (Vol. LXXXI.iv.157), din il-Qorti diversament presjeduta qalet:*

Sewqan traskurat (negligent driving) hu kwalsiasi forma ta’ sewqan li jiddipartixxi minn, jew li ma jilhaqx il-livell ta’ sewqan mistenni minn sewwieq ragonevoli, prudenti, kompetenti u ta’ esperjenza. Bhala regola, il-ksur tar-regolamenti tat-traffiku kif ukoll in-non-osservanza tad-disposizzjonijiet tal-Highway Code li jincidu fuq il-mod jew

il-kwalita` ta' sewqan ta' dak li jkun, jammonta wkoll ghal sewqan traskurat. Sewqan bla kont hu deskritt ... bhala sewqan 'bi traskuragni kbira'. Din it-tieni ipotesi, jigifieri ta' sewqan bla kont, tikkontempla s-sitwazzjoni fejn il-grad ta' traskuragni tkun kbira u tinkludi l-kazijiet fejn wiehed deliberatament jiehu riskji fis-sewqan li m'ghandux jiehu minhabba l-probabbilita' ta' hsara li tista' tirrizulta lil terzi, kif ukoll kazijiet fejn wiehed ikun indifferenti ghal tali riskji. Sewqan perikoluz (dangerous driving) jirrikjedi li fil-kaz partikolari s-sewqan kien ta' perikolu ghal terzi jew ghall-proprjeta` taghhom. Biex wiehed jiddeciedi jekk kienx hemm dana l-perikolu, wiehed irid jara c-cirkostanzi kollha tal-kaz, inkluzi l-hin u l-lokalita` ta' l-incident u l-presenza o meno ta' traffiku iehor jew ta' nies ghaddejnin bir-rigel. [...]

*U kif qalet din il-Qorti diversament presjeduta fl-Appell Kriminali **Il-Pulizija vs. Mario Gellel** deciz fid-19 ta' Frar 2004:*

*"... kif gie ritenut minn din il-Qorti diversament preseduta, jekk sewqan hux (i) negligenti, jew (ii) bla kont jew (iii) perikoluz hi kwistjoni ta' 'degree' (App. Krim. **Pul. vs Charles Bartolo**, 14.3.59, **Pol. vs Wilson** [Vol. XXXIX iv. 1018] u **Pul. vs Alfred Vella** [Vol. XLIV, p. 933]) u kif jidhru wara xulxin huma fl-iskala tas-serjeta` taghhom (App. Krim. **Pul. vs Hardingham**, 19.10.1963). Gie wkoll ritenut li biex jintegra ruhu r-reat ta' sewqan perikoluz, hemm bzonni ta' certu grad ta' 'recklessness' (App. Krim. **Pul. vs Charles Farrugia** [Vol. XXXIX iv.9 78]). 'Recklessness' giet definita bhala 'wilfully shutting one's eye' (App. Krim. **Pul. vs Joseph Aquilina**, 20.4.1963). Invece sewqan negligenti jew traskurat ifisser nuqqas ta' prudenza ordinarja li wiehed ghandu jadopera biex jevita s-*

sinistri stradali (App. Krim. Pul. vs Antonio Spiteri [Vol. XLIV iv. 892])”.

The Court notes that the only witnesses who gave evidence regarding the manner in which the accused was driving were Antoine Tabone and Lorenzo Tabone. On the basis of what has been said during these testimonies and on the basis of what constitutes reckless, negligent or dangerous driving, the Court is not in a position to find the accused guilty of the mentioned charge. Hence, the Court will acquit the accused from the mentioned charge.

The Fourteenth (14th.) Charge -

(Regulation 67(1) of Subsidiary Legislation 65.11 of the Laws of Malta):

It results that the accused did actually stop. He left the scene when he realised that the Police were going to be called and he had no licence to drive. Yet, the charge has not been proven, and hence the accused will be acquitted from it.

The Fifteenth (15th.) Charge -

(Second Schedule of Chapter 65 of the Laws of Malta):

The Court, apart from noting that it has not been proven that the accused was driving at an excessive speed, also notes that that the article at law from where this charge emanates has not been listed in the note of the Attorney General (*a fol. 95*). Hence, as in the case of the twelfth (12th.) charge, the Court will abstain from taking any further cognizance of this charge.

Considers

That it results that the charges which have been sufficiently proven are the following: the first (1st), the second (2nd), the third (3rd), the fourth (4th), the fifth (5th), the sixth (6th), the eleventh (11th) and the sixteenth (16th) charges.

As regards the punishment to be inflicted, the Court will be taking into consideration various factors, including: the nature of the charges brought against the accused and which have been sufficiently proven, the clean conviction sheet of the accused (Doc. "BS 1" - *a fol.* 12), the fact that the police officers accepted the apology of the accused, the fact that the accused was in a state of intoxication when he committed the charges which have been proven, and the fact that the accused paid for all the damages he caused and that some of the injured parties renounced to criminal action.

Therefore, the Court, for the above-mentioned reasons:

- abstains from taking any further cognizance of the twelfth (12th) and the fifteenth (15th) charges brought against the accused,
- declares the proceedings extinguished as regards the seventh (7th) and the eight (8th) charges brought against the accused,
- acquits, due to lack of evidence, the accused from the ninth (9th), the tenth (10th), the thirteenth (13th), and the fourteenth (14th) charges brought against him,

and

- after having seen the Articles of Law sent by the Attorney General on the 3rd. May 2013 (*a fol.* 95), mainly Sections 95, 96(a), 221, 222(1)(c), 338(dd), 338(ee) and 338(ff) of Chapter 9 of the Laws of Malta and Sections 15, 15(1), and 15E(4) of Chapter 65 of the Laws of Malta, finds the accused Matthew Philip Bunting guilty of the first (1st.), the second (2nd.), the third (3rd.), the fourth (4th.), the fifth (5th.), the sixth (6th.), the eleventh (11th.) and the sixteenth (16th.) charges brought against him and condemns him to one year imprisonment however, since the Court is of the opinion that there are sufficient reasons which warrant that the said term of imprisonment be suspended, in terms of Section 28A of Chapter 9 of the Laws of Malta, suspends the said term of one year imprisonment for a period of two (2) years from date of this judgment. The Court orders that the accused be disqualified from holding or obtaining a driving licence for a period of nine (9) months starting from today.

In terms of Section 28A(4) of Chapter 9 of the Laws of Malta the Court has explained to the accused in plain language his liability under Section 28B of Chapter 9 of the Laws of Malta if during the operational period he commits an offence punishable with imprisonment.

Finally, after having seen Section 383 of Chapter 9 of the Laws of Malta, the Court binds the accused to hold the peace with PC 555 Fabio Schembri and PC 800 Jason Mercieca under a penalty of one thousand and five hundred Euros (€ 1500) for a period of one year from today.

< Final Judgement >

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