



MALTA

COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR.
CONSUELO-PILAR SCERRI HERRERA

Sitting of the 9 th November, 2014

Number. 1092/2014

The Police

(Inspector Trevor Micallef)

vs

NATHAN EUGENE SCARLETT

The Court,

Having seen that the accused **NATHAN EUGENE SCARLETT**, son of Danny and Waveney nee' Tosun, born in London on the 12th November 1990, resident at Ganeshia House, Room 205, Triq il-Kavetta, Qawra and holder of passport no. 515548459, was arraigned before her and charged with having in these islands on the 09th November 2014 at about twenty minutes to four in the morning (03:40a.m) in St. Julians and/or in the vicinity:

1. Reviled, threatened or caused bodily harm on a person lawfully charged with a public duty, while in the act of discharging his duty or because of having discharged such duty, or with intent to intimidate or unduly influence them in the discharge of such duty.
2. Accuse him further with having on the same date, time, place and circumstances wilfully disturbed the public good order or the public peace.
3. Accuse him further 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 persons in the exercise of their duties, or otherwise unduly interfered with the exercise of such duties, either by preventing them from doing what they are lawfully enjoined or allowed to do, or frustrated or undid what has been lawfully done by them, or in any other manner whatsoever.

Informal Copy of Judgement

Having seen all the documents exhibited in the acts of these proceedings by the Prosecution in particular a true copy of passport of the accused, statement of the accused and current incident report.

Having heard the accused declare that he does not understand the Maltese language though he understands the English language and thus the Court ordered that the proceedings are to be held in the English language in terms of Section 5 of the Judicial Proceedings Act.

Having heard the accused declare that he is indigent and the Court appointed Dr Renzo Porsella Flores as Legal Aid Lawyer to assist the accused.

Having heard the accused plead guilty to the charges brought forward against him and this in the presence of his attorney.

The Court explained to the accused, in the presence of the lawyer appointed by Legal Aid Dr. Renzo Porsella Flores, the consequences of his plea of guilt and after having given the accused sufficient time to reconsider his plea of guilt and saw that the same accused insisted on registering in the acts of these proceedings his plea of guilt, had no alternative but to register such plea.

In the light of the above plea of guilt which guilty plea was made voluntarily, expressly and unconditionally, the Court is satisfied that the accused is to be found guilty of the charges brought forward against him.

Having heard the prosecution declare orally in court that there were no injuries inflicted on the police officer although there was an exchange of words which affected the police when carrying out their duties.

Thus the Court, having seen the relevant sections at law, in particular Sections 95 and 338(dd)(ee) of Chapter 9 of the Laws of Malta, decides to find the accused NATHAN EUGENE SCARLETT guilty of the charges brought forward against him by the prosecution and condemns him for a period of two (2) months imprisonment suspended for two years in terms of Section 28A of Chapter 9 of the Laws of Malta and to a fine of eight hundred euro (€800) as stipulated in Section 95 of Chapter 9 of the Laws of Malta.

The court also orders that a copy of this judgment is sent to the Director of the Criminal Courts so that he may collect the fine imposed on the accused forthwith.

Finally, the Court orders that a copy of this judgement together with the acts of these proceedings be sent to the Attorney General within three (3) days in terms of Section 401(3) of the Criminal Code.

< Final Judgement >

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