



MALTA

COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR.
CHARMAINE GALEA

Sitting of the 7th March, 2015

Number. 259/2015

The Police
(Inspector Carol Fabri)

vs.

Joel Maurice Berges
(German identity card number L7GF9CRPY)

The Court;

Having seen that the offender **Joel Maurice Berges** was charged with having on the 7th March, 2015 at about 1:20hrs (Twenty past one o'clock in the morning) at St George's Road, St. Julians:

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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. And also charged with having on the same date, time, place and circumstances caused slight bodily harm on the persons of PC1443 Alan Caruana as certified by Dr Simone Deguara (reg med 3055) of Mosta Health Centre;
3. And also charged with having on the same date, time, place and circumstances caused slight bodily harm on the persons of PC1400 Matthew Vella as certified by Dr Joseph Tonna (reg med 1639);
4. And also charged with having on the same date, time, place and circumstances was in a public place or place open to the public, found drunk and incapable of taking care of himself; or being in any public place or place open to the public;
5. And also charged with having on the same date, time, place and circumstances wilfully committed any spoil, damage or injury to or upon any movable or immovable property, to the detriment of PC1443 Alan Caruana which amount of the damage does not exceed two thousand and five hundred euro (€2,500) but exceeds two hundred and fifty euro (€250);
6. And also charged with having on the same date, time, place and circumstances wilfully committed any spoil, damage or injury to or upon any movable or immovable property, to the detriment of the Malta Police which amount of the damage does not exceed two thousand and five hundred euro (2,500) but exceeds two hundred and fifty euro (250).

After having heard the Prosecuting Officer confirm on oath the charges brought against the offender;

After having seen all the records of the case, including the consent of the Attorney General for the case to be dealt with summarily, and having heard the offender declare that he has no objection that the case be dealt with summarily;

After having heard the offender plead guilty to the charges at an early stage of the proceedings, which guilty plea was confirmed by the same offender after the Court, in terms of section 453 (1) of Chapter 9 of the Laws of Malta, warned him of the legal consequences of that guilty plea, and allowed him sufficient time to re-consider his reply, and to change it;

Having heard the Prosecuting Officer declare that the damages sustained by PC 1443 Alan Caruana amount to €150 and that the damages sustained by the Malta Police Force amount to €8.26;

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After having heard the oral submissions on the punishment;

Considered that:

From the evidence brought forward and from the guilty plea registered by the offender himself, the Court concludes that the offender is guilty of the charges laid against him.

As regards the punishment, the Court took into consideration the fact that the offender admitted to the charges at a very early stage of the proceedings, that he co-operated with the police, and also that he has a clean conviction sheet. The Court also took into consideration the fact that the offender is seventeen years of age, hence a minor, and consequently the punishment has to descent by one or two degrees in terms of section 37 (2) of the Criminal Code. The Court also considered the fact that the offender excused himself with the police officers involved and declared that he is ready to pay any damages suffered in this incident.

For these reasons, the Court, after having seen sections 37 (2), 95, 221 (1), 325 and 338 (ff), on his admission, finds offender JOEL MAURICE BERGES guilty of the charges brought against him and condemns him to two (2) months imprisonment which by application of section 28A (1) of Chapter 9 are being suspended for a period of one (1) year from today. The Court is also condemning the offender to the payment of an ammenda of one hundred and twenty euro (€120).

In terms of section 28H (1) of Chapter 9 of the Laws of Malta, the Court is also ordering the offender to pay the sum of one hundred and fifty euro (€150) to PC 1443 Alan Caruana and the sum of eight euro and twenty six cents (€8.26) to the Malta Police Force. Both these payments are to be effected within a week from today.

In accordance with sections 28A (4) and 28H (7) of Chapter 9 of the Laws of Malta, the Court explained in clear and simple language the meaning of this judgement to the offender, and the consequences which would follow if he fails to abide by it, that is if he commits another offence which is punishable with imprisonment within the operative period, and/or if he fails to pay the injured parties the amount prescribed above within the time limit stipulated above.

< Final Judgement >

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