



MALTA

COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR.
IAN FARRUGIA

Sitting of the 24 th February, 2015

Number. 1094/2009

The Police

(Inspector Jessica Grima)

Vs

Kerry Michael Murphy

Comp. No. 1094/2009

THE COURT;

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Having seen the charges brought against **Kerry Michael Murphy holder of a Maltese identity card bearing number 7100A**, accused of having whilst in the Maltese Islands, in Mosta on the night between the 14th and 15th of August 2009 sometime between 22:00hrs and 05:00hrs :

1. caused grievous injuries which injuries cause a permanent defect in the health or in some part of the body on the person of Carmela Wayte as certified by Dr..R. Grixti MD Reg. No.2405, Dr. M. Mifsud MD Reg. No.5184, Dr. M. Zammit MD Reg. No.5256 of Mater Dei Hospital and Dr. Herman K. Borg Xuereb of Capua Palace Hospital;
2. Moreover accused that on the same date, time and circumstances you caused slight injuries on the person of George Henry Wayte as certified by Dr. G. Scriha MD Reg. No.3049 of Mater Dei Hospital;
3. Moreover accused that on the same date, time and circumstances you uttered insults or threats against Carmela Wayte and George Henry Wayte;

The Court is being requested to issue a protection order in terms of article 412(c) and /or to issue an undertaking in terms of articles 383/384 of Chapter 9 of the Laws of Malta.

Having seen all transcripts of testimonies by witnesses produced;

Having seen all the documents exhibited in the acts of these proceedings;

Having seen the *rinvio a giudizio* of the Attorney General dated 20th August 2012 at *folio* 150 and the accused's acceptance that these proceedings be proceeded with summarily as declared in today's sitting and as found at *folio* 167 of the acts of the proceedings;

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Having seen the minutes of today's sitting wherein, Carmela Wayte and George Henry Wayte renounced to the criminal action against the accused ;

Having heard accused plead guilty to the first charge brought against him and his insistence on such guilty plea;

Having heard submissions by the prosecution and the defence regarding punishment/sanction;

Considers;

That in view of the declaration by Carmela Wayte and George Henry Wayte that they renounced to the criminal action against the accused, this Court will, legitimately, not take further cognissance of the second and third charges brought against the accused.

On the other hand, in view of the fact that the accused pleaded guilty to the first charge as proffered against him, and since there is no reason emanating from these proceedings why this Court should not accept such plea, it is the duty of this Court to proceed with the relative declaration of guilt and judgement accordingly.

It is this Court's opinion that, having regard to all the circumstances of the case, the nature of the offence and the character of the accused, it is inexpedient to inflict punishment and consequently deems it fit to discharge the accused in terms of Article 22 of Chapter 446 of the Laws of Malta.

Conclusion.

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THEREFORE, THE COURT, having seen Articles 214, 216, 218, 221, 339(1)(e) of Chapter 9 of the Laws of Malta, (a) declares that the proceedings, with respect to the second and third charges, have been extinguished in terms of law and (b) finds and declares offender Kerry Michael Murphy guilty of the first charge as brought against him and discharges the offender subject to the condition that he commits no offence for a period of eighteen months from today, and this in terms of Article 22 of Chapter 446 of the Laws of Malta. In terms of said Article 22 of Chapter 446, the Court explained to the offender in ordinary language that if he commits another offence during the period of conditional discharge, the offender will be liable to be sentenced for the original offence/s.

< Final Judgement >

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