



MALTA

COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR.
ANTONIO MICALLEF TRIGONA

Sitting of the 26 th March, 2015

Number 767/2013

The Police

(Inspector Godwin Scerri)

vs

Christopher Joseph Griffiths

The Court,

Having seen the charges brought against the accused with having:

1. on the 26th June 2013 at around 10.30pm at Sarria Road in Floriana, together with other persons, without the intent to kill or to put the life of Dr. Jason Zammit in manifest jeopardy, caused him bodily harm, harm that is certified to be of a grievous nature and in breach of Articles 216,218 and 42(d) of Chapter 9 of the Laws of Malta;
2. On the same date, time, place and circumstances, in any manner, willfully disturbed the peace and public good order of the public in breach of Article 338(dd) of Chapter 9 of the Laws of Malta.

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Having seen the Attorney General's transmittal to this Court according to which the acts were reverted to this Court to decide on the guilt or otherwise of the accused on those articles of law cited by the Attorney General in his note of transmittal (folio 109);

Having heard the accused declare to have no objection that the case be heard and decided by this Court;

Having heard all the evidence produced in this case;

Having seen the records of the proceedings and heard final submissions;

Considers:

It was at the MTV concert, an annual event, held on the Granaries in Floriana that gave rise to the events leading to these proceedings against the accused. He is charged with having inflicted a grievous bodily harm on the person of Mr Jason Zammit, Consultant Orthopedic Surgeon, at Mater Dei Hospital. On the day in question, precisely the 26th June of 2013, the injured party had taken his two minor daughters to watch the concert. According to his testimony, he was positioned about 30 meters away from the stage to its left and was standing on the pavement with his daughters beside him. He had been there about half an hour when a group of young people, about six or seven in number, came next to him and the one closest to him in talking to his friends was gesticulating such that on lifting his elbow was hitting both him and his daughters on the head. When spoken to, witness states, that he was ignored. A few minutes later two police officers on patrol, noticing that something was amiss, told the group of youngsters to calm down and move on . Being asked who was the one gesticulating, witness states that he was Afrocaribbean and on asking him to stop hitting him and his daughters, the accused asked him why was he being a racist – the exact words being “ why are you so racist” - to which remark witness retorted that he was not being racist but just asking this guy to desist from hitting him and his daughters. Witness states that this was not the end of the story as although the group of youngsters moved away they returned thirty minutes later and the one who had been gesticulating went directly up to him and in no time witness states he was faced with three of them with the accused in the centre. It was then that the guy, whom witness described as being Afrocaribbean, punched him on the “left side of his head” followed by a head-butt which witness could not say who had given it. This head-butt hit him on the right side of his face impeding him to see from that eye and causing blood to ooze from his nose. Specifically asked if he had seen the accused hitting him, witness, replies that he could not be absolutely certain that it was the accused who head butted him but “certainly the head-butt came from the direction of the accused” who had someone else by the name of Joe Parish standing beside him.

At folio 55 of the records of the proceedings the injury suffered by witness and certified by Consultant Otorhinolaryngologist Mr. Hermann Karl Borg-Xuereb (his evidence at folio 62 et seq) is classified as serious in that on being medically examined it showed a commuted fracture of the right orbit involving the infra orbital canal possibly injuring the nerve and revealing persistence of right infra orbital paraesthesia causing a permanent disability.

Other witnesses of the prosecution, consisting of police officers, do not add anything of relevance to the case.

Informal Copy of Judgement

On his part, the accused gave evidence and produced in his own defense his girlfriend by the name of Clarissa Cilia La Corte. Both witnesses give a different version of the incident to that of the injured party. The accused categorically denies to have given the head-butt to the injured party and on this score, his witness corroborates him.

Having said this, the Court considers it superfluous to delve in detail on the evidence given by accused and/or his witness and this because there is no evidence, whether direct or indirect, that would show, without a shadow of a doubt, that it was the accused that inflicted the grievous bodily harm. Accused's position could have taken a different turn had the Attorney General insisted on the complicity charge as per the original charge sheet.

But, on the evidence based on the charges as specified by the Attorney General the Court finds the accused not guilty and acquits him.

< Final Judgement >

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