



**COURT OF MAGISTRATES (MALTA)  
AS A COURT OF CRIMINAL JUDICATURE**

**MAGISTRATE DR. AUDREY DEMICOLI LL.D.**

**Today 25<sup>th</sup> of September, 2015**

**Police  
(Inspector Godwin Scerri)**

**VS**

**Paul Allen Sneddon**

The Court;

Having seen the charges brought against Paul Allen Sneddon holder of Maltese identification card no. 83850(A) accused with:

1. On the 17<sup>th</sup> of August 2014 at around 9:30pm at Pioneer Rd in St Paul's Bay, without the intent to kill or to put the life of Inspector Maurice Curmi and PS914 Ivan Mifsud in manifest jeopardy caused the mentioned slight bodily harm in breach of *Article 221 of Chapter 9 of the Laws of Malta*.

2. And on having on the same date, time and place assaulted or resisted by violence or active force not amounting to public violence, any person lawfully charged with a public duty when in the execution of the law or of a lawful order issued by a competent authority in breach of *Article 96(a) of Chapter 9 of the Laws of Malta*.
3. And of having willfully committed voluntary spoile, damage or injury to or upon any movable or immovable object, of damage to the detriment of the Malta Police Force in breach of *Article 325(1)(b) of Chapter 9 of the Laws of Malta*.
4. And on having on the same date, time and place disobeyed lawful orders of any authority or of any person/s entrusted with a public service, hindered or obstructed such persons in the exercise of their duties, or otherwise unduly interfered with the exercise of such duties in breach of *Article 338(ee) of Chapter 9 of the Laws of Malta*.
5. And on having on the same date, time and place in any manner willfully disturbed the public good order or the public peace in breach of *Article 338(dd) of Chapter 9 of the Laws of Malta*.
6. And of having refused to give, or had given false particulars to a Public Officer whilst exercising their duty in breach of *Article 338(g) of Chapter 9 of the Laws of Malta*.

Having seen all the acts of the proceedings, including the Attorney General's Note dated 18<sup>th</sup> August 2014 (exhibited at. folio 6) whereby he gave his consent for this case to be treated summarily.

Having heard the final submissions made by the Prosecution and Defence Counsel.

Having considered:

The facts of this case relate to an incident which occurred on the 17<sup>th</sup> August 2014 at around 19.30hrs in Pioneer Road, St. Paul's Bay, whereby the accused requested police assistance from Inspector Maurice Curmi who was carrying duties relating to a Carnival event organised by the St. Paul's Bay Local Council. When Inspector Curmi informed him that he could not attend to him because of other more urgent duties an argument ensued whereby the accused resisted arrest and caused slight injuries to Inspector Curmi and PS 914 Ivan Mifsud.

On the 22<sup>nd</sup> August 2014 Inspector Maurice Curmi gave evidence in these proceedings whereby he stated that on the 17<sup>th</sup> August he was detailed to attend a Carnival float event organized by the St. Paul's Local Council. At around 9:30pm the accused approached him and in a sarcastic and arrogant manner stated that he had a problem with his neighbour and needed assistance. He added that he had called at the Police Station for assistance but to no avail. The inspector informed the accused to go and wait at the Police Station because he could not leave his post and also because he thought that the accused's request for assistance was not urgent. The accused did not accept the explanation given to him by the Inspector and as he walked away he started saying

'fuck off' and swore at the Inspector. At that point Inspector Curmi ordered him to stop and to give him his personal details. The accused refused to do so and continued on his way. It was at this stage that the Inspector followed him to stop him and when he reached out to apprehend him the accused started struggling and they both ended up on the ground. Inspector Maurice Curmi added that the accused wanted to inflict injuries on his person. The witness explained further that when he asked the accused for his personal details, the latter told him that his name was James Anderson and gave him an ID card number that ended with the letter 'T' which caused the Inspector to suspect that it was false. At this stage Inspector Curmi called for assistance so that the accused could be taken to the Police Station to verify his identity. It also transpired that the accused had told Inspector Curmi that he did not have an ID card and as they waited for the police car to arrive, the accused apologized but Inspector Curmi insisted that he had to verify his identity. As soon as the police car arrived on the scene, the accused jumped on the bonnet of the police car whilst trying to escape. The police officers managed to track him down and handcuff him and he was then taken to the Police Station but even when handcuffed the accused continued to be aggressive towards the Police Officers. Inspector Curmi added that on returning to the Police Station he realised that he had a scratch on his neck and he explained that previously he had also noted bruising on PS 914. Inspector Curmi and PS 914 then proceeded to go to the Polyclinic to be examined by a doctor whereby it was certified that they were suffering from slight injuries. When cross examined Inspector Curmi confirmed that when the accused approached him he was very insistent about needing police assistance whereby he had repeatedly informed the accused that at that stage he could not assist him because was busy handling other situations. He added that the accused was

arrogant and sarcastic from beginning to end and as soon as he grabbed him, he became aggressive and resisted him at which point they both fell on the ground and the accused tried to attack him.

On the same date of the Court hearing PS 914 Ivan Mifsud stated that on the 17<sup>th</sup> August at around 21:25 he was informed by PC 623 that Police assistance was required by Inspector Curmi because he had just been assaulted. When the witness arrived on the scene Inspector Curmi informed him that the accused had assaulted him and told him that he suspected that he had given him false personal details. As soon as the accused was informed that he was going to be escorted to the Police Station he tried to escape and jumped over the Police car's bonnet. PS 914 stated that they had to use physical force to restrain the accused because the latter was aggressive and resisting arrest and once he was handcuffed he proceeded to insult them. The witness added that he had suffered slight injuries on his arms<sup>1</sup> during this whole incident and had also had his pocket torch damaged. The witness explained further that during the arrest he had to head lock the accused in order to be able to handcuff him because he was being violent and aggressive. He added that when he arrived on the scene, the accused was relatively calm and he became aggressive as soon as he had told him that he was going to be escorted to the Police Station<sup>2</sup>.

PC 1173 John Grech stated that around 9:15pm of the 17<sup>th</sup> August received a call that a male person was aggressive towards Inspector Curmi. He repaired on site together with PS 194 so as to assist the Inspector. He saw the accused and as soon as he was told that he was going to be escorted to the Police station he became aggressive towards

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<sup>1</sup> A medical certificate was exhibited and marked as doc IM 1.

<sup>2</sup> A copy of the Police Report was exhibited and marked as doc IM 2.

them. The accused jumped on the Police car bonnet and the police had to use physical force to detain him. This witness explained further that when the accused was at the Police Station he tried to explain to them that all he had wanted was police assistance and that he felt that he was not satisfied with Inspector's Curmi reply.

On the 14<sup>th</sup> November 2014 PC 623 Deo Camilleri stated that on the 17<sup>th</sup> August 2014 he was detailed to direct traffic. He was approached by Inspector Curmi who was accompanied by another person and informed him to call the Police station so that they will arrest him. At that moment the accused started pointing his finger towards the Inspector and not to shout. As soon as the Police car came towards them, the accused became aggressive and had to use physical force in order to restrain him. He jumped on the police car's bonnet and caused damage to it. He added that the accused had told them that someone had punched him and needed police assistance. He added that before the police car had arrived on the scene, the accused was arguing but there was no need to use physical force to restrain him at that time. It was when the police assistance came and they were ordered to arrest the accused that he became aggressive towards them. The accused did not want to go inside the car and jumped onto the top of the car from where he was pulled down and handcuffed.

On the same Court hearing of the 14<sup>th</sup> November 2014, Inspector Godwin Scerri stated that on the 17<sup>th</sup> August 2014 was informed by PS 914 that an incident had occurred during the Carnival Summer Festival. He was informed that Inspector Curmi had arrested a person had inflicted an injury on him. He added that the accused had given him false personal details and need to be verified. The accused was taken

to the Health Centre to be examined for his injuries. The accused was interrogated by the Police and released a statement (doc GS 2<sup>3</sup> a fol 103). He was informed that the Police vehicle had sustained some damage during the accused's arrest. The vehicle was taken to the MT garage for inspection and a survey report was prepared (doc GS 3<sup>4</sup>). He confirmed that during the course of the investigation, the accused had told them that he had an argument with his neighbour and needed police assistance. He added that he did not know whether any action was taken regarding the incident with the neighbour.

On the 27<sup>th</sup> February 2015, Dr. Mario Scerri exhibited a report and confirmed the medical examination he had performed on the person of the accused. He had found several abrasions on his body but none were compatible with beatings (Doc MS 1 a fol 118).

On the same day, Dr. Luana Caruana confirmed the medical certificates she had issued (exhibited at folio. 47 and 58) relating to injuries sustained by Inspector Maurice Curmi and PS 914 Ivan Mifsud.

On the 30<sup>th</sup> April 2015, the accused Paul Allen Sneddon gave evidence whereby he stated that on the date in question he had an argument with his neighbour who had been causing a lot of problems. Later in the evening he went to his neighbour's apartment because she had turned off his power supply and told her to leave him in peace but instead she proceeded to slap him. He thus decided to go to the Police Station and on the way there he saw a police officer and thereby proceeded to inform him that he needed assistance because he had just been

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<sup>3</sup> On the 14th November 2014 PC 1425 Adrian Ciappara confirmed that he was present during the release of the statement by the accused.

<sup>4</sup> On the 12th December 2014, PC 71 Frans Zammit confirmed the survey report which he had prepared before the vehicle was repaired and sprayed.

assaulted. According to the accused this police officer just walked away from him and told him that he should go to the Police station. The accused said that he then uttered the words 'fuck this' and decided to walk back home. Always according to the accused at this point the same Police officer went up to him and asked him whether he had just told him 'to fuck off'. The accused said that he had replied that the words were not addressed to the Police officer but to the situation and he was then told that he was under arrest for resisting arrest. The accused said that he had then replied that he had come for help and ended up being arrested whereby the Police Officer grabbed him from the neck and threw him to the ground and told him that he had scratched his neck while restraining him asking him for his details. The accused confirmed that he had refused to give his personal details because he was being restrained for no apparent reason and he told the Police officer that he did not have an ID card but then gave him an invented ID number. When a Police car arrived on the scene, continues the accused, the Police Officer (Inspector Curmi) grabbed his hand and put it straight behind his back in a straight arm motion and another Police officer came out of the car and took hold of his other hand but they still did not manage to handcuff him and the accused says that he told them that if they could let go his hands he could be handcuffed but instead they told him to stop resisting them. A third officer came from behind and head locked him and pushed him onto the bonnet of the police car and as a result of the head lock he became unconscious and regained consciousness while he was being dragged away. While he was in the car he protested that he had come to seek Police assistance and instead it resulted that he was arrested and kept in a cell for 33 hours. He was later interrogated by the Police. He added that before the incident the streets were empty and the atmosphere was quiet.



Under cross examination he added that he had explained to the police Inspector about what had actually happened. In fact the Police officer had told him that he did not have time for him although later he told him to go and file a Police report. The accused said that in his opinion what he had told the Inspector required immediate intervention and not a Police report. The accused confirmed that he did not give the correct personal details to Inspector Curmi and that he was aggressive towards him and said that he would have given the correct details to another officer.

On the 30<sup>th</sup> April 2015, Agnes Koba, the accused' s girlfriend, gave evidence and stated that in the morning she was in her flat when she heard noises because her neighbour had a fight with someone. She added that they had been having arguments with the neighbour because she made a lot of noise and they had reported her to the landlord. For no reason their neighbour started switching off their power supply and this escalated to another argument. The accused went to speak to her but she was drunk and became very aggressive and slapped him. It was at this stage that he decided to call the Police and went downstairs to seek help.

Having considered:

The Court after having examined all evidence brought forward by both the Prosecution and Defence Counsel deems that this is an incident which escalated unduly due to the aggression and arrogance on behalf of the accused and perhaps a bit of impatience and incomprehension by the Police Officer concerned in explaining why he could not assist the accused at that point in time and why he had consequently directed him

to go to the Police Station to lodge a report which would then be attended to. Having said this however the Court however could not fail to note that Inspector Curmi's version of facts is fully corroborated by all the other Police Officers who arrived on the scene of the crime soon after and to a certain extent by the accused himself because he admits to uttering indecent words and to giving false details to Inspector Curmi. The Court has no reason to doubt the credibility of Inspector Curmi and thinks that things took place as explained by the latter rather than as explained by the accused. The Court does not for one moment believe that the accused was referring to the situation when he uttered the 'f' word rather than addressing the words to the Inspector who he believed was brushing him off when he referred him to the Police Station to lodge a report. Moreover the accused's allegations that he was beaten up by PS 914 were proven to be completely unfounded because the Court appointed medical expert who examined the accused excluded that the abrasions found on the accused could have been caused by him being beaten up and it was also excluded that he could have suffered any injuries when head locked while the Police Officers were attempting to handcuff him whilst he was being aggressive and resisting arrest.

This Court deems that the Prosecution has managed to prove to a level of beyond reasonable doubt all the charges brought against the accused and he is consequently going to be found guilty of all the said charges. In relation the punishment however this Court is opting not to impose an effective prison term not only because the injuries caused to both officers were of a slight nature but also because as pointed out above it believes that the Police Officer concerned could perhaps have shown a

little more patience and taken the time to explain to the accused that he had to prioritise and could not leave his post to assist him on a matter which did not require immediate intervention and that he would receive the assistance he required at the Police Station. The Court however is not justifying the accused's behaviour towards Inspector Curmi and his aggression and resistance and lack of co-operation with the Police Officer who went on the scene to assist Inspector Curmi.

For the abovementioned reasons and after having seen Sections 17, 221, 96(a), 325(1)(b), 338(ee), 338(dd) and 338(g) of the Criminal Code the Court finds the accused guilty of all the charges brought against him and condemns him to eight months imprisonment which in terms of Section 28A of the Criminal Code are being suspended for a period of two years from today.

**(sgd) Magistrate**

**-True Copy of the original-**

**Graziella Abela**

**Deputy Registrar**