

In the Court of Magistrates (Malta)

as a Court of Court of Criminal Judicature

Magistrate Dr Aaron M. Bugeja M.A. Law, LL.D. (melit)

The Police

vs

Christopher James Lockyer

The Court after seeing the charges issued against **Christopher James Lockyer** holder of Irish passport number PN8333788 whereby he was charged with having on the 29th March 2016 while in an aircraft and during a Ryanair Flight FR7242 coming to Malta from Dublin :

1. Recklessly or negligently acted in a manner likely to endanger an aircraft, or any person therein;
2. Used any threatening, abusive or insulting words, behaved in a threatening, abusive, insulting or disorderly manner towards a member of the crew and intentionally interfered with the performance by a member of the crew of the aircraft of his duties;
3. Entered or was found drunk in the same aircraft.

Having analysed the documents that were exhibited and all the records of the proceedings;

Having seen that the accused declared that he was guilty as charged.

The Court, in view of this declaration warned the accused in the most solemn manner about the consequences arising out of his guilty plea and granted him a reasonable time in order for him to retract this guilty plea. After that the Court granted this time to the accused, and after consulting with his legal counsel, the accused reiterated that he is guilty as charged.

In view of this declaration, duly reiterated, the Court had no option but to find the accused guilty as charged.

Having heard the testimony produced and seen the records of the proceedings;

Having heard the final oral submissions of the Prosecuting Officer and of the Legal Counsel to the accused;

Considers the following :-

That from the evidence produced the crew member Joe Vella stated that he did not see the accused consume alcohol on board the flight. However the accused was acting in a rowdy manner and he also threw his drink in the air and hit other passengers. His rowdy behaviour throughout the flight

caused discomfort in other passengers on board this flight. This crew member's orders remained unnoticed and unheeded. While he was not the only rowdy passenger during this flight, this crew member stressed that the accused was singled out because he was the rowdiest of the party on board.

On the otherhand during the proceedings the accused expressed contrition in that he declared in open court that he was sorry for causing this incident.

This Court considers that this behaviour is unacceptable wherever it takes place. However it becomes even more serious when committed on board of a confined and crowded space such as on board of a flight. Apart from the fact that other passengers and crew members had every right to travel in as calm as possible an ambience as it can be during a flight, rowdy behaviour on board a flight can also lead to serious consequences. And there is little room for taking such chances in mid-air. However the Court understands that at no point was the accused violent towards other passengers or crew member. Nor did he act in a dangerous manner. However the Court points out that it was highly irresponsible on his part to let himself go and behave the way he did on board this flight.

Decides : -

Consequently, this Court, after having seen regulations 46, 48, 49(1) and 86 of L.S. 499.09 finds the accused **Christopher James Lockyer**, upon his unconditional guilty plea, guilty as charged and condemns him to two months imprisonment; however having seen Article 28A of the Criminal Code it orders that the said sentence shall not take effect unless, during a period of one year from the date of this order, the offender commits another offence punishable with imprisonment and thereafter the competent court so orders under Article 28B of the Criminal Code that the original sentence shall take effect together with a fine of four hundred euro (€400).

In terms of Article 28A(4) of the Criminal Code, the Court declares and explains in ordinary language to the accused his liability in terms of Article 28B of the Criminal Code if during the operational period he commits an offence punishable with imprisonment.

Delivered today the 30th March 2016 at the Courts of Justice in Valletta, Malta.

Aaron M. Bugeja