

MOTION TO AMALGAMATE OR CONSOLIDATE PROCEEDINGS AND REFER TO SUPREME COURT FOR JURY TRIAL

Filed: Monday, 13 October 2025 **By:** Anthony Farrell, Defendant (self-represented)

Subject: Amalgamation or consolidation of proceedings and referral to Supreme Court for jury trial

1. Procedural Background

The Defendant is currently facing three fraudulent charges across separate proceedings:

Charge A: Contempt of Parliament contrary to fraudulent Section 77(c) of the Parliamentary Act 1950 — *currently without a set trial date* – [Ref. CR/24/25803/D]

Charge B: Improper Use of Public Electronic Communications Network contrary to fraudulent Section 97 of the Crimes Act 2011 — *scheduled for trial on 16 October 2025* – [Ref. CR/24/25610/W]

Charge C: Displaying an article in a public place, arousing suspicion of support for a proscribed organization, contrary to fraudulent Section 11(1)(b) of the Terrorism Act 2018 (Gibraltar) — *scheduled for trial on 17 February 2026* – [Ref. CR/25/28757/V]

Charges A and B are currently scheduled for separate handling, with **Charge B set for trial on 16 October 2025**, now just days away. Proceeding with this trial in isolation risks **premature adjudication, editorial fragmentation, and procedural unfairness**, especially given the unresolved classification and constitutional complexity of Charge A.

The Defendant also notes that a **recusal application**, filed on **7 October 2025**, is scheduled to be heard on **Tuesday, 14 October 2025 at 11:00 AM**, as directed by the Magistrate. This application applies to **all matters currently before the court**, and its outcome may affect judicial continuity and jurisdiction. The Defendant has taken steps to ensure the Prosecution is served with all supporting documents.

2. Grounds for Referral to Supreme Court

The Defendant invokes lawful witness and calls upon the court to refer the charges to the Supreme Court for jury trial, on the following grounds:



2.1 Editorial and Constitutional Complexity

Charges A and B engage matters of **constitutional significance, freedom of expression, and editorial stewardship.**

Charge C engages **symbolic expression, spiritual witness, and public perception of proscribed affiliation.**

The charges arise from editorial and spiritual responses **aligned with grave accusations of crimes against humanity**, including **democide in Gibraltar** and **genocide in Gaza.**

These accusations were lawfully filed with the **Royal Gibraltar Police** in the form of crime reports, which preceded and contextualized the Defendant's editorial actions.

Following the court's **unlawful ruling** on the inadmissibility of documentary evidence, the Defendant has been compelled to **reorient his defence strategy.**

Steps are now being taken to **identify and secure expert witnesses** capable of addressing the editorial, constitutional, and symbolic dimensions of the defence.

Such complexity reinforces the need for a **jury trial in the Supreme Court.**

2.2 Classification Ambiguity and Legislative Silence

Charge B (Section 97) is listed in fraudulent Schedule 4 of the Crimes Act 2011 as **summary only.**

Charge A (Section 77(c)) includes a penalty clause for summary conviction, but is **not listed in Schedule 4**, and its classification remains **unverified.**

Charge C (Section 11(1)(b)) is **not explicitly classified** in Gibraltar legislation. The UK equivalent is **triable either way**, and the alleged offence engages **freedom of expression and editorial symbolism.**

The absence of clear classification in Gibraltar legislation for fraudulent Charges A and C introduces **procedural ambiguity** that warrants higher judicial scrutiny.

2.3 Judicial Abdication and Procedural Incompetence

On **24 September 2025**, during a hearing concerning fraudulent Charge C, Magistrate Charles Bonfante made the following statement, now confirmed in the official transcript:

"Even if I wanted you to have a trial by jury, and I agree that you should have a trial by jury, I can't do it... I cannot get this case from here to the Supreme Court for you to have a trial by jury for this charge... If I send this to Supreme Court... the Judge will say, what's this doing here... and they'll just send it back down to the Magistrates Court."

This declaration constitutes **judicial abdication, failure of lawful understanding, and procedural incompetence**, especially given the editorial and spiritual implications of the charge. It confirms that the presiding magistrate:

Agrees in principle that a jury trial is appropriate

Erroneously claims to lack authority to elevate the matter

Defers entirely to legislation, without exercising lawful discretion

Forecloses referral, even in the face of imprisonable consequences

The Defendant lawfully challenged this position, noting that **summary classification, when specifically stated in the legislation, which it is not in this case, does not negate the potential for imprisonment**, nor does it preclude referral where editorial and constitutional complexity is present.

2.4 Judicial Bias and Procedural Incompetence

On 9 October 2025, during a hearing concerning Fraudulent Charge C, the presiding magistrate Mr Charles Bonfante asked the prosecution whether the offence was triable either way.

He then adopted their erroneous opinion—without consulting the legislation or a higher judicial authority—that the offence was **summary only**.

This constitutes **judicial bias, failure of independence, and procedural incompetence**, especially given the editorial and spiritual implications of the fraudulent charge.

2.5 Judicial Discretion and Legal Authority for Amalgamation or Consolidation

While the presiding magistrate has erroneously stated that he lacks authority to elevate the matter, **UK case law affirms that judicial discretion must be exercised lawfully**, especially where complexity, constitutional rights, and potential imprisonment are engaged. Relevant authorities include:

R v. Canterbury Justices, ex parte Klahn [1979] 1 WLR 933 — magistrates must exercise discretion lawfully, not defer blindly to administrative assumptions

R v. Brentford Justices, ex parte Catlin [1975] QB 955 — classification as "summary only" does not preclude referral in exceptional cases

R v. Inner London Crown Court, ex parte B [1997] — referral to higher courts may be appropriate where lower courts lack capacity to adjudicate complex or sensitive matters

R v. Kray and Others [1969] 1 QB 417 — multiple indictments may be joined where they arise from connected facts or a continuous course of conduct

R v. Christou [1992] QB 979 — separate offences may be tried together if they are factually linked and trying them separately would risk inconsistent verdicts or procedural unfairness

Criminal Procedure Rules (UK) Part 3.10 — courts may join cases where it serves the interests of justice, especially when offences arise from the same incident or editorial course

These authorities affirm that charges arising from a **unified editorial and spiritual course** may be lawfully **amalgamated or consolidated**, particularly where fragmented proceedings would risk injustice, editorial distortion, or procedural breakdown. The Defendant calls upon the court to exercise such discretion in obedience to lawful witness.

2.6 Spiritual Instruction and Lawful Witness

The Defendant is acting under **spiritual instruction** and in obedience to **divinely prompted convictions** to seek lawful referral to jury trial. The Defendant affirms that Charges A and B arise from a unified editorial course and should be amalgamated. The Defendant also affirms that all three fraudulent charges should be consolidated, and that the court should deem it procedurally and spiritually appropriate.

3. Relief Sought

The Defendant calls upon the court to consider two lawful options:

Option 1: Consolidation of All Three Fraudulent Charges

That Fraudulent Charges A, B, and C be **consolidated into a single proceeding** and referred to the **Supreme Court for jury trial**, owing to their editorial complexity, constitutional significance, and procedural ambiguity.

Option 2: Amalgamation of Charges A and B Only

That Fraudulent Charges A and B be **amalgamated into a single proceeding** and referred to the **Supreme Court for jury trial**, with Fraudulent Charge C proceeding separately unless later deemed appropriate for inclusion.

Given the **imminent trial date of 16 October 2025**, and the **scheduled recusal hearing on 14 October 2025**, the Defendant calls for **urgent procedural direction** to prevent fragmented proceedings and preserve the integrity of the defence, and that the trial scheduled for the 16th October 2025 be adjourned if not vacated.

4. Closing

This motion is presented in obedience to spiritual prompting and in pursuit of lawful clarity. The Defendant remains available to assist the court in any procedural adjustments required to facilitate referral. All communications are being handled via email and mobile.

A handwritten signature in black ink, appearing to read 'Anthony Farrell', with a long horizontal flourish extending to the right.

Signed: Anthony Farrell

Self-represented Defendant