



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

MAGISTRATE DR. AUDREY DEMICOLI LL.D.

Today the 19th day of May, 2017

Police

[Inspector Priscilla Caruana Lee]

vs

Solomon Abebe Hilemariam

The Court;

Having seen the charges brought against Solomon Abebe Hilemariam holder of Maltese Id number 48522A whereby he was accused with having on the 11th May 2016 at 6:10hrs in residence number 50, Triq it-Tramuntana, Valletta and on the previous months on these islands:

1. without the intent to kill or to put the life of any person in manifest jeopardy, caused grievous harm to the body or health

of his wife Frawoine Neguse Alemu, as certified by Dr. Caroline Jarte med. no. 5791 from Mater Dei hospital;

2. also for causing his wife Frawoine Neguse Alemu fear that violence will be used against her or her property or against the person or property of any of her ascendants, descendants, brothers or sisters or any person mentioned in article 222(1)
3. also for uttering insults or threats not otherwise provided for in this Code, or being provoked, carried the insult beyond the limit warranted by the provocation;

The Prosecution also requested the Court to deal with the accused Solomon Abebe Hilemariam as a recidivist since he has previously been found guilty by a decision of the courts of Malta, which decision has become *res judicata* and cannot be changed.

The Court was also requested, if it deemed it expedient, in addition to the punishment applicable to the offence, to apply the provisions of Art 412C of the Criminal Code to provide for the protection of Frawoine Neguse Alemu.

The Court was also requested that in case of guilt the person convicted is compelled to the payment of the costs incurred in connection with the employment in the proceedings of any expert or referee as article 533 of Chapter 9 of the Laws of Malta.

Having seen all the acts of the proceedings including the Attorney General's consent dated 12th May 2016 (exhibited a. folio 10 of the proceedings) for this case to be treated summarily.

Having heard all evidence submitted in this case.

Having heard the accused plead guilty to all the charges brought against him during a sitting held on the 28th April 2017 and after having warned the accused of the consequences of filing a guilty plea and after having conceded sufficient time within which he could reconsider his guilty plea, the Court has no alternative but to find the accused guilty of all the charges brought against him.

With regards to punishment the Court took into consideration the content of the Social Inquiry Report inserted at folio 90 et sequitur of these proceedings. The Court also took note of the fact that the alleged victim confirmed on oath on more than one occasion that she wished to forgive the accused and wished to withdraw charges and more importantly of the fact that during the course of these proceedings the accused and his wife attended several marriage counselling sessions and are now reconciled and living together again as a married couple. In the circumstances this Court deems that the most adequate form of punishment would be the imposition of a Probation Order so that it is ensured that the accused and the victim proceed on the right track and understand once and for all that they should resolve their marital disputes adequately.

After having seen Sections 214, 215, 216, 251B, 339(1)(e) and 17 of Chapter 9 of the Laws of Malta the Court finds the accused guilty of all the charges brought against and in terms of Section 7 of Chapter 446 of the Laws of Malta orders that the accused is put under a Probation Order for a period of one (1) year from today subject to the following conditions:-

1. That during this three year probation period the accused Solomon Abebe Hilemariam follows and obeys all orders given to him by the Probation Officer Charise Boffa.
2. That he maintains a constant and frequent contact with the Probation Officer and that he attends all meetings fixed by the said Probation Officer.
3. That he informs the Probation Officer of any change in his residential address.
4. That the Probation Officer files a written report every six months whereby he or she submits details to the Court in relation to the progress and behaviour of the accused Solomon Abebe Hilemariam.

The Court has explained to the accused in plain and simple language what the consequences are if he commits an offence during this probationary period of one year.

Case Number: 251/2016

In terms of Section 7(8) of Chapter 446 of the Laws of Malta the Court is hereby ordering that a copy of this judgement is notified to the Director of Probation Services and Parole.

MAGISTRATE

Graziella Abela

Deputy Registrar