



**Court of Magistrates (Malta)**  
**As a Court of Criminal Judicature**

**Magistrate Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)**

**The Police**  
**(Inspector Elton Taliana)**

**-vs-**

**Ommissis;**

**Miroslav Sasic, holder of Croatian Passport No. 28233551;**

**Nicolae Dobra holder of Romanian Identity Card No. 657856.**

***Criminal Inquiry No.: 103/2016***

Today the 2<sup>nd</sup> August, 2018

The Court,

Having seen the charges brought against the accused Ommissis, **Miroslav Sasic** and **Nicolae Dobra** who are being charged with having:

On the 24<sup>th</sup> February, 2016, at around 03.45hrs in St. George's Street, St. Julian's:-

1. Without the intent to kill or to put the life in manifest jeopardy, caused grievous bodily harm on the person of Nicholas Aquilina;
2. On the same date, time, place and circumstances took part in an accidental affray and caused bodily harm on the person of Nicholas Aquilina;

3. Of having slightly injured Larkin Stafrace;
4. On the same date, time, place and circumstances provoked a tumult or an affray for the purpose of committing a homicide or a bodily harm to the detriment of Nicholas Aquilina;
5. On the same date, time, place and circumstances wilfully disturbed the public peace and order;
6. Miraslav Sasic alone is being accused for having on the same date, time, place and circumstances operated as a private guard agency or acted as a private guard or offered his services as such, without a license in accordance with the provisions of Chapter 389 of the Laws of Malta.

Having seen the note by the Attorney General indicating the Articles of Law in terms of Article 370(3)(a) of Chapter IX of the Laws of Malta dated the 12<sup>th</sup> January, 2017;<sup>1</sup>

Having heard witnesses;

Having seen all the acts and documents exhibited;

Having heard, during the sitting of the 25<sup>th</sup> July, 2018, the accused plead guilty to all the charges brought against them;

Having seen the joint application filed by the Attorney General and the accused Miroslav Sasic and Nicolae Dobra in terms of Article 392A(5) of Chapter IX of the Laws of Malta;

Having heard, during the sitting of the 25<sup>th</sup> July, 2018, the accused once again plead guilty to all the charges brought against them notwithstanding the fact, that during the afore-mentioned sitting, the Court, in terms of Article 453(1) of Chapter IX of the Laws of Malta, warned them in the most solemn manner of the legal consequences of their guilty plea after having given them sufficient time within which to reconsider and withdraw their guilty plea.

Having heard the prosecution and defence counsel make their submissions;

Considers:

Having heard the guilty plea of the accused to the charges brought against them, the Court has no alternative but to declare the accused guilty of the said charges.

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<sup>1</sup> Fol.625

With regards to punishment to be inflicted against the accused, the Court will be taking into consideration the application filed by the Attorney General and the accused in terms of Article 392A(5) of Chapter IX of the Laws of Malta. In terms of Article 392A(7) of Chapter IX of the Laws of Malta, the Court will proceed to award the sentence indicated to it by the parties in terms of Article 392A(5) of Chapter IX of the Laws of Malta on their own request, since the Court is satisfied with the sanction therein indicated.

For the said reasons, the Court, after having seen articles Articles 17, 23, 31, 49, 50, 214, 221(1), 218(1)(a)(b)(2), 237(b), 238(b) and 338(dd) of Chapter IX of the Laws of Malta and with regards to Miroslav Sasic also Articles 3 and 25(a)(b) of Chapter 389 of the Laws of Malta, upon their admission, finds the accused guilty of the charges brought against them, and sentences -

- (i) **Miroslav Sasic** to a term of imprisonment for two (2) years which by virtue of article 28A of Chapter IX of the Laws of Malta, are being suspended for four (4) years; and
- (ii) **Nicolae Dobra** to a term of imprisonment for twenty two (22) months which by virtue of article 28A of Chapter IX of the Laws of Malta, are being suspended for four (4) years.

In terms of Article 533 of Chapter IX of the Laws of Malta the accused are being ordered to pay €665.86 each which amount represents one third of the costs incurred in connection with the employment of experts in this case.

Finally, in terms of article 382A of Chapter IX of the Laws of Malta, the Court is issuing a restraining order against the accused in favour of Nicholas Aquilina and Larkin Stafrace for a period of three (3) years.

**Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law).**  
**Magistrate**