



**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR. GABRIELLA VELLA B.A., LL.D.**

**Police
(Inspector Elton Taliana)**

Vs

Essoutouti Asia

Today, 5th April 2019

The Court,

Considered the charges brought against Essoutouti Asia, twenty three (23) years of age, born in Osterholz-Scharmbeck, Germany, on the 11th July 1995, daughter of Ahmed and Sara neè Ickéal, holder of German Identity Card Number L2RM2R5NZ, residing at 1805, Hugo's Hotel, Paceville, St. Julian's, with having in the Maltese Islands on the 3rd April 2019 and in the previous months:

1. With intent to extort money or any other thing, or to make any gain, or with intent to induce another person to execute, destroy, alter or change any will, or written obligation, title or security, or to do or omit from doing anything, shall threaten to accuse or to make a complaint against, or to defame, that other person;
2. Pursued a course of conduct which amounts to harassment to other person, which you knew or ought to know amounts to harassment of such other persons;
3. By means of an electronic communications network or apparatus threatened the commission of any crime or with intent to extort money or any other thing, or to make any gain or with intent to induce other person to do or omit from doing anything, threatened to accuse or to make a complaint against, or to defame, that or another person or made any other improper use thereof;
4. Was in the possession for whatever purpose, kept ammunition that discharges lethal or irritant substance such a teargas;

After having examined the documents submitted in the records of these proceedings namely: (i) the consent of the Attorney General in terms of Section 370(4) of Chapter 9 of the Laws of Malta - Doc. "A"; (b) an ultrasound image - Doc. "B"; (c) a declaration signed by the accused that she spoke to a legal aid lawyer at the Birkirkara Police Station - Doc. "C"; (d) a statement given by the accused - Doc. "D"; (e) a series of emails exchanged between the accused and the alleged victim -

Doc. "E"; (f) a photocopy of the accused's Germany Identity Card - Doc."F"; (g) the Conviction Sheet of the accused - Doc. "G"; (h) the pepper spray found in the possession of the accused - Doc. "H"; (i) an iPhone - Doc. "I"; (j) the accused's Identity Card, submitted *animo ritirandi* - Doc. "J";

After having heard the accused plead guilty to the charges brought against her and this also after the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned her in the most solemn manner of the legal consequences of her guilty plea after having given her sufficient time within which to reconsider and withdraw her guilty plea;

After having heard submissions regarding punishment;

Considers:

The accused is being charged with having in the Maltese Islands on the 3rd April 2019 and in the previous months: (i) with intent to extort money or any other thing, or to make any gain, or with intent to induce another person to execute, destroy, alter or change any will, or written obligation, title or security, or to do or omit from doing anything, shall threaten to accuse or to make a complaint against, or to defame, that other person; (ii) pursued a course of conduct which amounts to harassment to other person, which you knew or ought to know amounts to harassment of such other persons; (iii) by means of an electronic communications network or apparatus threatened the commission of any crime or with intent to extort money or any other thing, or to make any gain or with intent to induce other person to do or omit from doing anything, threatened to accuse or to make a complaint against, or to defame, that or another person or made any other improper use thereof; (iv) was in the possession for whatever purpose, kept ammunition that discharges lethal or irritant substance such a teargas.

The accused pleaded guilty to all the charges brought against her and in the light of said guilty plea the Court finds the accused guilty of all the charges so brought against her.

In so far as concerns punishment the Court took into account the fact that the accused registered a guilty plea at an early stage of the proceedings, that she has a clean conviction sheet and that she co-operated with the Police.

Therefore after having considered Sections 250 and 251A of Chapter 9 of the Laws of Malta, Section 49(a),(b) and (c) of Chapter 399 of the Laws of Malta and Section 3 of Chapter 480 of the Laws of Malta, the Court reiterates that it is finding the accused guilty of all the charges brought against her and condemns her to eighteen (18) months imprisonment, however in the circumstances of the case namely, the early guilty plea by the accused, the fact that the accused has a clean conviction sheet and that she co-operated with the accused, the Court finds sufficient reasons for the suspension of the term of eighteen (18) months imprisonment being imposed on the accused and therefore in terms of Section 28A of Chapter 9 of the Laws of Malta, suspends the said term of eighteen (18) months imprisonment for a period of four (4) years from today.

In terms of Section 28A(4) of Chapter 9 of the Laws of Malta, the Court explained to the accused in plain language her liability under Section 28B of Chapter 9 of the Laws of Malta if during the operational period of this suspended sentence she commits an offence punishable with imprisonment.

The Court orders the forfeiture and consequent destruction of the pepper spray exhibited in the records of the proceedings as Doc. "H" and the mobile phone exhibited in the records of the proceedings as Doc. "I".

MAGISTRATE

DEPUTY REGISTRAR