



MALTA

**IN THE COURT OF MAGISTRATES (MALTA)
AS COURT OF CRIMINAL JUDICATURE**

**MAGISTRATE
DR. CHARMAINE GALEA**

Today 25th of May 2020

**The Police
(Inspector Godwin Scerri)**

vs.

**Destiny Ogbiede
(ID: 46275A)**

The Court;

Having seen that the accused **Destiny Ogbiede** was charged with having on the 17th of March 2020, at residence ‘Qawra Point’, Blk 5, Flat 12, Ras il-Qawra, St. Paul’s Bay:

Without the intent to kill or to put the life of Carmela Cini in manifest jeopardy caused the mentioned slight bodily harm;

Without a lawful order from the competent authorities, and saving the cases where the law authorises private individuals to apprehend offenders, arrested, detained or confined Carmela Cini;

And accused of having on the same date, place, times and circumstances caused voluntary damages, with such damages not exceeding the amount of 250 euro to the detriment of Carmela Cini;

And accused of having on the same date, place, time and circumstances uttered insults or threats against Carmela Cini;

And accused of having breached a protection order in terms of Article 412C of the Laws of Malta as per Court sentence dated the 11th of December 2018 by Magistrate Dr. Charmaine Galea LL.D.

The Court was requested to consider Mr. Destiny Ogbiede as a recidivist in breach of Articles 49, 50 of Chapter 9 of the Laws of Malta.

The Court was also requested to re-provide the needed security in favour of Carmela Cini even during these proceedings in terms of Article 412C of Chapter 9 of the Laws of Malta.

Having seen the acts of the case;

Having heard the accused plead guilty to the charges proffered against him, which guilty plea was confirmed by the accused after he was given some time to consider his admission and after the Court explained the punishment that can be inflicted for each charge;

Considered that:-

From the evidence brought forward and from the guilty plea registered by the accused, the Court is satisfied beyond reasonable doubt that the accused is guilty of the charges proffered against him.

As regards to punishment, the Court took into consideration the criminal record of the accused and the fact that the accused registered a guilty plea at an early stage of these proceedings. From the criminal record it results that this is not the first time that the accused was found guilty of injuring the injured party Carmela Cini, and this notwithstanding that a Protection Order was *in vigore* at the time of the incident. The Court is of the opinion that the accused has been given a number of opportunities by these Courts, which however the accused chose not to benefit from. So, in the circumstances the Court is of the opinion that an effective prison term should be imposed, together with the issue of a Protection Order in favour of the injured party.

DECIDE

For these reasons, the Court, after having seen sections 49, 50, **86, 221 (1), 325 (1) (c), 339 (e) and 412C (11) of the Criminal Code, declares Destiny Ogbiede guilty of the charges proffered against him and condemns him to twelve (12) months imprisonment from which there has to be deducted the time spent under preventive arrest.**

The Court is also issuing a **Protection Order in favour of Carmela Cini for a period of five (5) years from today**. Destiny Ogbiede is being informed by the Court that he is bound to observe all the conditions set in the decree issued today and which forms an integral part of this judgement.

Dr. Charmaine Galea
Magistrate

Diane Gatt
Deputy Registrar